

## ELIGIBILITY

The following projects are eligible to receive a matching historic preservation grant under the policies and procedures of the National Register of Historic Places grants program:

1. Acquisition of a historic property
2. Exterior restoration, including the preparation of architectural plans and specifications
3. Interior restoration, including the preparation of plans and specifications
4. Historical, archaeological, and architectural research to determine the original appearance of a historic property and to serve as a basis for the restoration and interpretation of the historic property
5. Preparation of "as found" architectural drawings of a historic structure to the standards established by the Historic American Buildings Survey
6. Installation of burglary and fire detection systems to insure protection of a historic property
7. Acquisition and/or restoration of furnishings, if original to the historic structure
8. Landscaping of historic property, if done to historic period appearance
9. Moving of historic structure
10. Reconstruction of historic structure

The following are not eligible:

1. New construction
2. Maintenance costs
3. Staffing for historic property
4. Funding for any project undertaken prior to formal project approval by state or National Register office

Adopted by the Board of Trustees of the Department of Archives and History at its Regular Quarterly Meeting, April 30, 1976.

## MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY

### POLICY TO PROVIDE LISTING OF PROFESSIONAL ARCHAEOLOGISTS

The Historic Preservation Division of the Mississippi Department of Archives and History is responsible for reviewing the effects of federally funded, licensed, or assisted undertakings on properties listed in or eligible for listing in the National Register of Historic Places (the nation's official list of buildings, sites, structures, districts, etc. that merit preservation because of their significance to the history of our nation, state, and/or local community). This review process is administered under the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended, and is carried out pursuant to regulations codified under 36 CFR part 800. The Historic Preservation Division is also responsible for reviewing projects under the provisions of the State Antiquities Law (Sec. 39-7-3 of the Mississippi Code of 1972 as amended).

Effective July 1, 2001, the Department of Archives and History will no longer provide a list of archaeologists and firms who prepare cultural resources reports in Mississippi. Instead, MDAH will provide a list of archaeologists and companies who are listed on the Register of Professional Archaeologists (ROPA). Archaeologists who wish to be included on this list must provide documentation of their ROPA listing.

The Register of Professional Archaeologists (ROPA) is a highly respected, nationally recognized, non-profit organization dedicated to promoting reasonable standards for archaeological work. In order to be listed with ROPA, archaeologists must submit an application and pay a reasonable fee. Because ROPA carefully reviews each application, the organization can evaluate and hopefully endorse the qualifications of every archaeologist on the list.

The field crews of principal investigators who are listed on ROPA will not have to be listed. They must, however, work under the supervision of a professional who is listed.

Effective immediately those individuals and organizations, who are not on the Department's consultant list and who are not listed on ROPA will not be added to the list. Those who are currently on the list but who are not listed on ROPA will be given until July 1, 2001, to qualify. As of that date, there will be a new list prepared that will consist only of those individuals who have been listed on ROPA.

Also from the above mentioned date, and with the exception of Federal agency personnel and the personnel of other state agencies who are performing archaeological work for their agencies, no survey report on sec. 106 required or Antiquities Law projects will be accepted by the Department of Archives and History from individuals who are not ROPA registered.



## REMOVAL FROM CONSULTANT LIST

Each consultant doing work in Mississippi will be responsible for adhering to the Department's "Guidelines for Cultural Resource Survey Reports." When a deficient report is received by the Department of Archives and History, the report will be placed on hold, and the appropriate Federal agency, applicant, or licensee will be notified of the deficiencies in the consultant's report. When the deficiency or deficiencies are remedied, the report will be cleared.

If a consultant's cultural resource survey reports are placed on hold for deficiencies three times within one year, the consultant will be notified in writing and be given an opportunity for a hearing before the SHPO, Deputy SHPO, Chief Archaeologist, and the Review and Compliance Officer of the Department of Archives and History. If at the conclusion of the hearing, a satisfactory explanation for the deficiencies has not been presented, the consultant's name will be removed from the list of consultants, and his/her reports will not be accepted by the Department of Archives and History for one year. At the end of one year, the consultant may submit a written request to the SHPO to have his or her name restored to the list.

## PERMANENT REMOVAL

Serious ethical or legal violations will result in the permanent removal of a consultant from the list and in the permanent refusal of the Department of Archives and History to accept the consultant's report. The consultant will be notified of the problem in writing and given an opportunity for a hearing before the SHPO, Deputy SHPO, Chief Archaeologist, and the Review and Compliance Officer to appeal the permanent removal.

PRIORITY FOR SELECTION OF  
PROJECTS TO RECEIVE FINANCIAL ASSISTANCE

In addition to the priority rating established by the National Park Service found on page 2 of the attachment, the Department of Archives and History will consider the following priority system when selecting specific preservation projects:

1. Acquisition of culturally significant site or structure, when failure to acquire site or structure will lead to its immediate destruction.
2. Acquisition of culturally significant structure, which because of vacancy and neglect is in such a deteriorated condition that its continued preservation is deemed unlikely by the professional staff of the Department of Archives and History. Before a matching grant is awarded to assist in the purchase of such a property, it will be necessary for the transferee (grantee) to make a good faith commitment in writing to the Department of Archives and History that means are available with which the new owner can halt further deterioration and correct major structural problems caused by past neglect.
3. Exterior restoration, when it involves structural work (stabilization) and/or work of a nature that will insure continued preservation of the original fabric of the building, i.e. new roofing, repair to existing masonry, etc.
4. Interior restoration, when it involves structural work (stabilization) and/or work of a nature that will insure continued preservation of the original fabric of the building.
5. Exterior construction involving the restoration, repair, replacement or preservation of the original fabric of the building which is architecturally significant or decorative in nature.
6. Interior construction involving the restoration, repair, replacement or preservation of the original fabric of the building which is architecturally significant or decorative in nature.
7. Historical, architectural, and archaeological research and the preparation of "as found" architectural drawings, when such research is deemed necessary to establish a basis for the aforementioned restoration phases. The Department of Archives and History encourages intensive documentary research whenever possible.
8. The installation of protective features, such as burglary and fire detection systems, when the absence of such systems constitutes a serious threat to the historic structure.

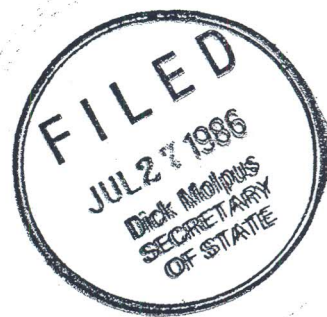


9. Acquisition of a culturally significant site or structure which is in a relatively good state of preservation and which does not face imminent destruction, but whose acquisition by an organization, individual, state agency or unit of local government would serve to enhance public benefit.
10. Installation (but not purchase or maintenance) of a minimum number of interpretive markers at historic and archaeological sites (but not structures). The installation of such markers must be essential to public understanding of the site.
11. Landscaping of historic property, when returning it to its historic appearance based on documentary evidence.
12. Purchase and restoration of furnishings, if original to the historic structure.
13. The moving of a historic structure. A project of this nature will be considered only in exceptional cases. Historic structures should be preserved on their original site except when relocation is the only preservation option. Even then, the site selected for relocation must possess the basic integrity and similar characteristics of the historic property from which the structure was removed.
14. Reconstruction of historic structures. A project to reconstruct historic structures is assigned the lowest priority in determining projects to receive National Register grant funds, precisely because it is not a preservation project in the true sense of the word. Wherever possible, efforts should be geared to the preservation of the nation's existing cultural remains. In those rare cases where a grant is made for reconstruction, the reconstruction must be based on thorough historical and archaeological evidence and must be located on the original historic site.

NOTE: In the event that lack of funds precludes the awarding of a grant to two or more projects of equal merit based on the above criteria, the severity of need for funds, the public benefit derived from the project, and the level of significance in the state's history will be decisive factors in determining grant recipients.

Adopted by the Board of Trustees of the Department of Archives and History at its Regular Quarterly Meeting, April 30, 1976.

REVIEW & COMPLIANCE  
PROCEDURES & POLICIES MANUAL



Division of Historic Preservation  
Mississippi Department of Archives & History  
July 1986





PROCEDURES AND POLICIES MANUAL  
FOR THE REVIEW AND COMPLIANCE SECTION  
DIVISION OF HISTORIC PRESERVATION  
MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY

The Review and Compliance Section, composed of the Interagency (Environmental) Coordinator, Review and Compliance Assistant and a Clerk Typist, Sr., is responsible for implementation of the Section 106 (of the National Historic Preservation Act, as amended) review and of the Mississippi Landmark program under the provisions of the State Antiquities Act, as amended. Thus, the Section handles both federal and state preservation reviews.

This manual is designed to outline the procedures and policies for these two programs. Part I involves the Section 106 review process; Part II involves the Mississippi Landmark program.





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SECTION 106 REVIEW  
IN-HOUSE PROCEDURES

Federal agencies are required, as a part of their "undertakings" (whether funded, licensed or assisted) to "take into account" the impact of their actions on properties included in, or eligible for inclusion in, the National Register of Historic Places. The Review and Compliance Section has, under most circumstances, thirty days to review and comment on individual projects. However, the response time is normally within two weeks.

A. NOTIFICATION OF PROJECTS FOR REVIEW

The Review and Compliance Section is notified of federal projects under consideration for approval by the State Clearinghouse in the Department of Planning and Policy, Governor's Office of Federal-State Programs, through its Weekly Log (S1A & S1B). The Interagency Coordinator, upon receipt of the log, determines the projects for which Cultural Resource Assessments (S2A & S2B) are needed. This determination is based on the following conditions:

1) Certain federal agencies or their state agency counterparts which help administer their programs (Highway Department, Corps of Engineers, Bureau of Marine Resources, Community Development Block Grants, Farmers Home Administration, State Aid Road Construction, Soil Conservation Service, Forest Service, Bureau of Geology, etc.) will, either through standard operating procedures or memorandums of agreement (see "The Review Process", "I, b, 4" for further discussion of the memorandums of agreement), routinely send their projects for review directly to this office independently of the log. Therefore, there are no Cultural Resource Assessment (S2A & S2B) forms sent out for projects involving the aforementioned agencies. A "NK" (no comment) notation is made for each entry on the log.

2) For projects involving other agencies, a determination is then made as to which projects are of a construction nature. No assessment requests are made for non-construction projects (such as health care, mass transit or educational programs that involve no actual construction). A "NK" notation is also made for each of these entries on the log.

3) For the remaining construction projects not involving agencies covered in condition #1, a check is made of the Community Development files for the current and preceding years to determine if the project has been reviewed or is currently under review. For those projects in this category, a "NK" is entered on the log.

4) For the remaining construction projects not already reviewed or currently being reviewed, Cultural Resource Assessment (S2A & S2B) forms and cover letters are sent to the applicants. The Clerk Typist, Sr., types the "RE" section on the cover letter to reflect the Clearinghouse identification number,



a brief description of the project and the county. The Clerk Typist, Sr., also enters the Clearinghouse identification number on the assessment form on the appropriate line in the upper left hand corner and initials afterward. A copy of the cover letter is sent to the State Clearinghouse and a copy is filed in the appropriate Community Development file (by county).

5) As stated above, those agencies identified in condition #1 either already have copies of the assessment form or use their standard application and/or public notice form which contain the basic data to begin the review in this office. Those applicants responding in regard to Clearinghouse notification are identified by our handwritten Clearinghouse number and initial of the Clerk Typist, Sr.

## B. THE REVIEW PROCESS

### I. Preliminary Assessments

a) Upon receipt of the Cultural Resource Assessment (S2B) forms and/or public notices, each piece of correspondence is entered on the Correspondence Log (S3) by the Clerk Typist, Sr. The log entry shall include: the stamped date of receipt (also stamped in the upper left hand corner of the assessment form or the upper right hand corner of other material); a brief description of the project, which shall include any pertinent identification numbers (such as Clearinghouse number, public notice number, bridge replacement number, etc.); county or counties of project; and the contact person and agency involved. For those assessment forms on which the Clerk Typist, Sr., has entered the Clearinghouse number and initialed, the Clerk Typist, Sr., staples the assessment form to the copy of the assessment form cover letter found in the Community Development files. All the correspondence is then sent to the Interagency Coordinator for review.

b) The Interagency Coordinator then reads through the correspondence to determine the type of activity and the degree of review needed. The items to consider in this level of review include:

1) Does the project involve construction? If the project does not involve construction, a Non-Construction Letter (S4) is sent to the applicant, stating that this type of project does not need review.

2) Is there a map of acceptable quality attached? If there is no map attached, or if the map does not clearly delineate the project area, a Map Request Letter (S5) is issued. If necessary, the type of map needed is noted. City maps are acceptable for projects inside the city limits; otherwise quadrangle maps (7.5 minute if available) are requested.

3) If construction is involved, a determination is made as to whether the activity has already been reviewed by this office. If copies of this agency's previous correspondence are not attached, the Interagency Coordinator shall request of the applicant the date of the previous review and either secure a copy from the applicant or check the Community Development files.



(Note: for those years before the preceding year, the files will be in the Department's Division of Records Management.) Once the copy of the previous correspondence is secured, a determination is made as to whether it is the identical project or is in close proximity to the present project. If this is the case, a Prior Comment Letter (S6) is issued, on which the date of the previous correspondence and a brief description of the nature of that correspondence is mentioned.

4) If the construction project is in an area not previously reviewed, a determination is made as to whether the project area has been previously disturbed. Those projects involving work only in existing rights of way (streets, highways, gas lines, power lines, etc.) or property already extensively graded and/or filled, shall be considered to have no effect on any cultural resources. The same shall hold true of those projects neither involving alteration of structures nor those not adjacent to properties of a minimum age of fifty years. (Note: A complete inventory of all the Programmatic Memoranda of Agreement for Categorical No Effects is housed in the office of the Interagency Coordinator; examples can be found in S7A to S7C). In those cases in which no PMOAs for Categorical No Effects exist, a No Properties in the Impact Area Letter (S11) is issued.

5) If architectural resources are to be affected, a determination is made as to whether they are fifty years old or older. If they are, and snapshots of the resources and/or proposed plans for the project are not attached, a Photo Number One Letter (S8) is issued, requesting the pertinent information. If the photo reveals that the resource is not eligible for the National Register, it is not necessary to submit plans.

6) If adjacent properties are fifty years old or older and snapshots and/or plans are not attached, a Photo Number Two Letter (S9) is issued, requesting the pertinent information.

7) An evaluation is also made to determine the location of any borrow sites outside the project area. Existing pits involving no expansion require no further review. If the site(s) is a new one (not used for previous projects) and a map delineating its location is not attached, a Borrow Pit Map Request Letter (S10) is issued.

Upon completion of the aforementioned steps, the Interagency Coordinator shall begin a review of the existing resource inventories.

c) The Interagency Coordinator then consults the printout of, and attached quadrangle maps for, properties listed in the National Register of Historic Places. Any sites in the general vicinity of the project should be plotted on the project map and a reference made in the upper right hand corner of the Cultural Resource Assessment (S2B) form as to the number of sites and the effect (example: 2 NR for "two National Register sites", NE for "No Effect"). The date and initials of the Interagency Coordinator shall then be noted under the aforementioned reference.

d) The Interagency Coordinator shall then determine whether any resources in the Statewide Survey of Historic Sites are



likely to be affected by the project. If there is the likelihood, the Interagency Coordinator shall direct the Review and Compliance Assistant to check the appropriate Statewide Survey file(s).

e) The Interagency Coordinator shall then assess whether the project has the capacity to impact previously undisturbed areas where archaeological sites may be located. If this is the case, the Interagency Coordinator shall direct the Review and Compliance Assistant to check the pertinent archaeological files.

## II. Architectural Resources Review

a) The Review and Compliance Assistant consults the files of the Statewide Survey of Historic Sites for any sites that may be impacted by the proposed undertaking. These files are color coded to indicate various special types of properties: green--properties individually listed in the National Register of Historic Places or in the process of being formally nominated to the Register; blue--properties included within National Register districts; purple--general reference files on National Register districts; red--buildings which are no longer extant; orange--federal and state project review files; and yellow--general reference files on counties and communities. In addition, the files are arranged by a number coded system based on the county, town (or vicinity), property sequence number and description indicating properties with a special status.

b) If there are any sites or properties in the vicinity of the project area, they are plotted on the project map. Specific street addresses are useful in plotting properties within the city limits. If the project lies outside the city limits, a search of the properties in the vicinity of the town is sufficient.

c) For those projects involving only a review of architectural resources (requiring no archaeological review), the Interagency Coordinator issues the appropriate response based on the potential impact to properties which are eligible for the National Register. If no properties are found in either the National Register or Statewide Survey files, a No Properties in the Impact Area Letter (S11) is issued. If properties are in the vicinity of the project but there will be no effect on any of them, a No Effect on Properties Letter (S12) is issued.

d) If National Register, or National Register eligible properties, will be affected by the project, the Interagency Coordinator then determines whether it will be an adverse effect. If the proposed project will not alter the historic integrity of the property, a "no adverse effect letter" is issued. If the proposed project will alter the historic character of the property, consultation is conducted with the applicant to ascertain if there are any prudent alternatives to the design of the project that would avoid impact to the property. If this is possible, the effect will not be adverse. However, if the design of the project can only be marginally revised but will still affect the property, a "conditional no adverse effect" letter is issued, outlining the modifications which will result



in no adverse effect to the architecturally significant features of the property. Finally, if the proposal will definitely have an adverse effect, the applicant is notified of this determination. In any event, the applicant should forward a copy of this office's "effect" determination comments to the Advisory Council on Historic Preservation for its comments. (See the Council's regulation, 36CFR800, for the administrative procedures involved in this process.) It should be emphasized that the regulations allow only a commenting role for the State Historic Preservation Office and the Advisory Council and that the federal agency head has the final decision on the project.

### III. Archaeological Resources Review

a) Once the Review and Compliance Assistant has completed the architectural resources review, an assessment is made as to whether the Interagency Coordinator has recommended an investigation of known or probable impacts to archaeological resources. Known archaeological resources which are listed in the National Register of Historic Places will already be plotted on the project map. A notation will also be made on the assessment form as to the need to check the archaeological site files.

b) The Review and Compliance Assistant will first ascertain on which U. S. Geological Survey quadrangle map (either 7.5 or 15 minute) the project is located. These maps are filed together collectively as the Division's Archaeological Map File Permanent Quad Collection. The Review and Compliance Assistant then writes the quad map name on the project map (if not already furnished by the applicant). The sectional reference of the project (township, range and section) should also be written on the project map, if not already supplied by the applicant. Any plotted sites found on the archaeological quad maps which are within a one-mile radius of the project are plotted on the project map. Since some early recorded sites are not plotted on the archaeological quad maps, the "Monthly Update List" and the "Archaeological Site Location List Book" are consulted to determine the location of any unplotted sites which may be impacted. These sites are also plotted on the project map.

c) The Review and Compliance Assistant then passes the assessment form on to the Chief Archaeologist for review. The Chief Archaeologist will determine whether to recommend a cultural resources survey, such determination being based on an evaluation of the known recorded sites in the area and on the likelihood that other unrecorded sites are in the project area (in accordance with the study units established by the Division's statewide comprehensive planning process).

d) If the Chief Archaeologist determines that a survey is not needed and no architectural properties are to be impacted, either a No Properties in the Project Area Letter (S11) or a No Effect On Properties Letter (S12) is issued. If no survey is requested but there is some effect anticipated on architectural resources, the appropriate comment letter is issued in accordance



with the conditions in II (d).

e) If, however, the Chief Archaeologist recommends a survey, the Interagency Coordinator shall issue an Archaeological Survey Request Letter (S13A) with the appropriate enclosures (State of Mississippi Guidelines for Cultural Resource Survey Reports--S13B, Guidelines for Site Cards--S13C, List of Archaeological Consultants--S13D, 36CFR800 Rules and Regulations--S13E). The survey request shall identify known sites in the project area or vicinity and shall specify the exact boundaries to be surveyed.

f) Upon receipt of the survey report, the Interagency Coordinator shall check the Community Development files for the copy of the survey request. If no survey request letter is found, the Interagency Coordinator makes a notation at the bottom of the front page of the survey report to that effect and then dates and initials below the notation. If a survey request letter is found, a notation is made at the bottom of the front page of the survey report, outlining the date of the request, the applicant's name and address and a description of the project as found on the survey request letter. Also a notation is made at the bottom of the survey request letter, outlining the date of the receipt of the survey report and the archaeologist's name. The Interagency Coordinator then checks to see if the surveyed area is the same as that requested to be surveyed. If there is a discrepancy, the Interagency Coordinator shall contact the applicant to determine the cause for the difference and to make the necessary corrections.

g) If sites were found in the survey the Interagency Coordinator shall pass the survey on to the Review and Compliance Assistant to abstract certain information on the front page of the survey report. This abstract shall include: sites found, whether the sites were historic or prehistoric, and whether a determination of eligibility was made for the sites. The Review and Compliance Assistant then passes the report on to the Chief Archaeologist. On the other hand, if no sites were found in the survey, the Interagency Coordinator shall pass the report directly to the Chief Archaeologist.

h) Upon receipt of the survey report, the Chief Archaeologist shall review the report to determine if all the guidelines have been followed. In addition, if any sites were found, a determination is made as to whether the sites are eligible for the National Register (or to concur or disagree with any determinations made in the report) and to recommend any proposed mitigation for the sites. Finally, a survey report number is assigned (using the last two numbers of the current year and a sequential three digit number) and the new site information and/or area surveyed information is added into the site files (including plotting on the permanent archaeological quad maps). The report, along with any comments, are then returned to the Interagency Coordinator.

i) If no sites were found in the report and the report was in compliance with the guidelines, the Interagency Coordinator issues an Archaeology Survey Report Clearance Letter (S14). This clearance letter will identify the project name, the assigned

survey report number and the name of the archaeologist who performed the survey. If sites were found, the letter to the applicant should state the position of this office on the National Register eligibility question and recommend the appropriate mitigation for any eligible sites which will be impacted. A copy of the clearance letter or other appropriate response is filed with the survey request letter.

NOTE: Copies of all correspondence relating to Section 106 review shall be sent to the State Clearinghouse.







STATE OF MISSISSIPPI  
OFFICE OF THE GOVERNOR

Beverly W. Hogan  
Executive Director  
Federal-State Programs

Sandra B. Irby  
Director  
Department of Planning and Policy

April 18, 1986

[rev'd 4-24-86 (24)]

STATE CLEARINGHOUSE FOR FEDERAL PROGRAMS

WEEKLY LOG

(S1A)

Distribution: Planning and Development District Clearinghouses  
Metropolitan Area Clearinghouse  
State Agencies  
Other Interested Parties

Purpose: This log is prepared each week for all pre-applications, applications, notifications of intent, environmental clearances, etc. for Executive Order 12372 and Coastal Program reviews submitted to the State Clearinghouse. After preparation, the weekly log is distributed to (1) notify agencies and other interested parties of the proposed activity and (2) afford interested agencies the opportunity to review and comment on the proposed activity.

Please send comments to arrive at this office no later than May 7, 1986.  
If exceptional circumstances prevent your meeting this schedule, please advise this office in writing as to when comments will be forwarded. In those instances in which comments are not returned, federal agencies require the assumption that your comments would be favorable.

Note: For information concerning activities in the coastal area (Hancock, Harrison, and Jackson Counties) please refer to the reverse side of this sheet.





# Mississippi Department of Archives and History

Post Office Box 571 • Jackson, Mississippi 39205-0571 • Telephone 601-359-1424  
*Elbert R. Hilliard, Director*

(S2A)

Cultural Resources Assessment Cover Letter  
with  
enclosed CRA form

The Department of Archives and History has the responsibility under state law to protect Mississippi Landmarks. Under federal law the department serves as the State Historic Preservation Office. In that capacity we advise federal agencies of their legal responsibilities under the National Historic Preservation Act, and comment on the impact of federally assisted or licensed projects on cultural resources.

In order to evaluate the impact of this project on cultural sites, we need to have certain information about the project. Please complete the enclosed form and return to us with a map indicating the project's location in relation to major landmarks of the area (highways, rivers, lakes, etc.). We will issue our comments soon after receiving this information. If you have any questions, please do not hesitate to contact this office at 354-7326.

Sincerely,

ELBERT R. HILLIARD  
State Historic Preservation Officer

By: Roger G. Walker  
Interagency Coordinator

RGW/rm

Enclosure

cc: Clearinghouse for Federal Programs





Rec'd \_\_\_\_\_  
 Ch# \_\_\_\_\_  
 N/E \_\_\_\_\_  
 Survey \_\_\_\_\_



## REQUEST FOR CULTURAL RESOURCE ASSESSMENT

(S2B)

Forwarding of this completed form to the Mississippi State Historic Preservation Officer constitutes a request for a cultural resources assessment in accordance with 36 CFR 800. This assessment, independent of the A-95 review, is required for all construction projects which will be funded, assisted, or licensed by a federal agency.

I. Applicant \_\_\_\_\_ County of project \_\_\_\_\_

Applicant's address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Contact person \_\_\_\_\_ Telephone \_\_\_\_\_

Contact person's address, if different from applicant's  
 Street/P. O. Box \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

If applicant is not a federal agency, to which federal agency is applicant applying: \_\_\_\_\_

Federal Program: \_\_\_\_\_ Circle type of assistance sought: Grant Loan Other

Signature of applicant or contact person requesting this assessment \_\_\_\_\_

Date \_\_\_\_\_

II. 1. Briefly describe this project. \_\_\_\_\_

If program involves more than one project/activity, complete separate assessment for each one.

2. Has the identical project been previously submitted for cultural resource assessment? YES\_\_\_\_ NO\_\_\_\_  
 (If YES, enclose copy of State Historic Preservation Officer's comments, if available, and disregard remaining questions.)

3. Project Location

a. Attach a county, city, or USGS quadmap indicating the precise location of the project and the acreage involved. If program involves more than one project/activity, one map indicating all projects is sufficient.

b. Approximately how many acres are in the project area? acres \_\_\_\_\_

c. If the project is outside city limits, give a quarter-by-quarter section, township, and range description (not necessary if the project map contains the information).  
 \_\_\_\_\_

4. To your knowledge, has a cultural resources survey been conducted in the project area? YES\_\_\_\_ NO\_\_\_\_  
 (If YES, attach survey report.)

5. a. Will the project involve an addition to, or destruction, alteration, or renovation of any structure? If NO, proceed to item 6. YES\_\_\_\_ NO\_\_\_\_

b. Was affected structure built before World War II? If NO, proceed to item 6. yes\_\_\_\_ no\_\_\_\_

c. Who owns the structure? \_\_\_\_\_

d. What was the approximate date of construction? \_\_\_\_\_

e. Attach snapshots of front and rear elevations; another snapshot should indicate the location of any proposed addition/alteration.

f. Have plans and specifications for the renovation, alteration, or addition been completed? yes\_\_\_\_ no\_\_\_\_

g. Attach plans. (Plans for a new structure to replace a demolished one should not be attached.)

6. a. Will construction take place adjacent to any structure which is approximately fifty years old or older? If NO, proceed to item 7. YES\_\_\_ NO\_\_\_  
b. Give address of structure(s), and, if known, owner's name and telephone. \_\_\_\_\_  
c. Give approximate construction date of structure(s) \_\_\_\_\_  
d. Attach snapshots of structure(s) and on project map indicate its location in relation to the project.
7. Has the ground at the project location been previously developed, graded, or disturbed (other than in connection with any structure described in item 5)? YES\_\_\_ NO\_\_\_  
If YES, describe disturbed/developed portion (graded, farmed, etc.) and indicate on project map. \_\_\_\_\_
8. a. Will this project necessitate the acquisition of fill material? If NO, proceed to item 9. YES\_\_\_ NO\_\_\_  
b. Approximately how many cubic yards of material will be acquired? cu. yd. \_\_\_\_\_  
c. Has the site from which material will be acquired been selected? If NO, proceed to item 9. yes\_\_\_ no\_\_\_  
d. Indicate borrow area(s) on project map and GIVE APPROXIMATE ACREAGE of each borrow site. Acres \_\_\_\_\_  
e. Has material been taken from the borrow area(s) for other projects? yes\_\_\_ no\_\_\_
9. a. Does this project involve road/street construction? If NO, proceed to item 10. YES\_\_\_ NO\_\_\_  
b. Give special attention to item 6 AND indicate on project map each:  
1. New right-of-way  
2. New street/road construction  
3. Street/road to be overlaid  
4. Street/road to be widened
10. Will this project affect any property which is of apparent educational or scientific interest? YES\_\_\_ NO\_\_\_  
If YES, describe the interest (geological, biological, etc.). \_\_\_\_\_
11. Describe the present use and condition of the property.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
12. If necessary, elaborate on the above questions, and/or include any additional information which you think would be helpful in the review of this project.

**Mail completed form to**

State Historic Preservation Officer  
Att'n: Interagency Coordinator  
Mississippi Department of Archives and History  
P. O. Box 571  
Jackson, MS 39205  
Telephone (601) 354-7326



DATE

PROJECT

LOCATION

AGENCY

Overall

(53)

3-31-86

Citizens Comm. Hoo - Old Middle School Bldg. Rm. 3-25-86

OK: Lybena

Archer, Alston

W.K. Magee  
86-035  
4-2-86

APR 01 1986

Citizens Oversight Committee - Review of the Old Middle School

OK: Lybena

Archer, Alston

W.K. Magee  
86-035  
4-2-86

CBS of proposed water &amp; sewer improvements in the City of Madison

Madison

James Square

W.K. Magee  
86-035  
4-2-86

Shengalo Water Assn. - well &amp; pressure tank

Canal

W.F. Langston

W.K. Magee  
86-035  
4-2-86

PN# 214, H# A215-Donald J. Rutter, Madison, 3-25-86

Hinds

Bill Ballard

W.K. Magee  
86-035  
4-2-86

Town of Madison's housing agency &amp; rehab.

Newton

Jennifer Buford

W.K. Magee  
86-035  
4-2-86

Sec. 8 Annual Report for

Stoughton

Mrs. John F. Tatum

W.K. Magee  
86-035  
4-2-86

Review to Council Program - Central Madison, 3-25-86

Madison

BMR

W.K. Magee  
86-035  
4-2-86

Proposed 3rd - change of role to the Madison, 3-25-86

Talladega

J.H. Thomas

W.K. Magee  
86-035  
4-2-86

Robert Hays' CR of BR SR2, used of R. Hays, 3-25-86

Tampa

W.K. Magee

W.K. Magee  
86-035  
4-2-86

Linkin - FE 1522-14-4020-546 Black Creek Drainage District

Madison

J. Wesley Touche

W.K. Magee  
86-035  
4-2-86

1-14-86 plan for restoration of the Magnolia Hotel

Madison

J. Wesley Touche

W.K. Magee  
86-035  
4-2-86

FAB6-TD-3 Boat ramp construction, TTN Rm. 94 near Filler

Talladega

Clay Carter

W.K. Magee  
86-035  
4-2-86

MS 86-00024-L Jackson Co. Port of Madison, 3-25-86

Jackson

Jeanne Brant

W.K. Magee  
86-035  
4-2-86

Robert D. Hays' CR of SR30, 3-25-86

Union

W.K. Magee

W.K. Magee  
86-035  
4-2-86

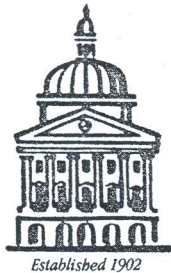
(53)

APR 02 1986

APR 03 1986







# Mississippi Department of Archives and History

---

Post Office Box 571 • Jackson, Mississippi 39205-0571 • Telephone 601-359-1424  
*Elbert R. Hilliard, Director*

(S4)  
Non-Construction

We have reviewed the information you sent us regarding the above mentioned project. The projects we review under state and federal regulations involve construction. Because this project is a non-construction project, it is not subject to the statutes and regulations which protect historic properties.

Please let us know if additional clarification is needed. Our office number is 354-7326.

Sincerely,

ELBERT R. HILLIARD  
State Historic Preservation Officer

By: Roger G. Walker  
Interagency Coordinator

RGW/rm

cc: Clearinghouse for Federal Programs





## Mississippi Department of Archives and History

Post Office Box 571 • Jackson, Mississippi 39205-0571 • Telephone 601-359-1424  
*Elbert R. Hilliard, Director*

(S5)  
Map Request

We have received the cultural resource assessment on the above mentioned project. In order to complete our review, however, we will need a map showing the precise location of the project.

Upon receipt of this information we will issue our comments. If clarification is needed, please do not hesitate to contact this office at 354-7326.

Sincerely,

ELBERT R. HILLIARD  
State Historic Preservation Officer

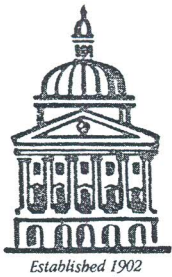
BY: ROGER G. WALKER  
Interagency Coordinator

RGW/rm

cc: Clearinghouse for Federal Programs







# Mississippi Department of Archives and History

Post Office Box 571 • Jackson, Mississippi 39205-0571 • Telephone 601-359-1424

*Elbert R. Hilliard, Director*

(S6)  
Prior Comment

Thank you for letting us know that we have previously reviewed the above project. Our previous correspondence of \_\_\_\_\_, reflects our evaluation of the project's impact on cultural resources. If clarification is needed, please do not hesitate to contact this office at 354-7326

Sincerely,

ELBERT R. HILLIARD  
State Historic Preservation Officer

By: Roger G. Walker  
Interagency Coordinator

RGW/rm

cc: Clearinghouse for Federal Programs



Programmatic Memorandum of Agreement (PMOA)  
(S7A)

WHEREAS, the Community Development Block Grant Program (CDBG) of the Governor's Office of Federal-State Programs requires its applicants to submit for cultural resource assessments projects covered under Section 106 (of the National Historic Preservation Act) and the State Antiquities Act (39-7-1 et seq. of the Mississippi Code of 1972, as amended) to the Mississippi Department of Archives and History (MDAH), the designated State Historic Preservation Office for the State of Mississippi; and,

WHEREAS, applicants for CDBG funding also submit their projects to the Department of Planning and Policy (DPP) in the Governor's Office of Federal-State Programs, the single point of contact for federal undertakings, for circulation on the Weekly Clearinghouse Log; and,

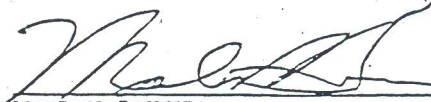
WHEREAS, MDAH submits its comments to CDBG, with copies to the DPP, within the allotted comment period;

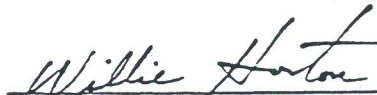
NOW, THEREFORE, it is mutually agreed that certain undertakings shall be considered categorically excluded in accordance with the following conditions:

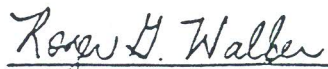
I. Categorical Exclusion Undertakings. Laying of water and sewer lines in existing rights of way, road resurfacing which requires no borrow material, and the purchase of equipment and supplies for existing facilities. These projects involve only the aforementioned activities. The MDAH shall not review these projects, and CDBG and DPP shall consider MDAH to have no comments on them.

II. Discovery of Cultural Resources in Project Area After Approval of Project By CDBG and DPP. In the event that unrecorded cultural resources are uncovered during construction involving these undertakings, the applicant shall notify CDBG and the MDAH immediately so that the MDAH may respond within forty-eight hours to CDBG under 36 CFR 800, part 7.

III. Amendments and Addendums to the PMOA. If any of the signatories to this PMOA determine that the terms of the agreement cannot be met or believes a change is necessary, that signatory shall immediately request the consulting parties to consider an amendment or addendum to the agreement. Such an amendment or addendum shall be executed in the same manner as the original PMOA.

 11-27-85  
MARLAN BAUCUM (DATE)  
Intergovernmental Review Coordinator  
Department of Planning and Policy

 11-22-85  
WILLIE HORTON (DATE)  
Specialty Coordinator  
Community Development Block Grants

 11-25-85  
ROGER G. WALKER (DATE)  
Interagency Coordinator  
Mississippi Department of Archives and History





DEC 5 1985

Programmatic Memorandum of Agreement (PMOA)  
(S7B)

WHEREAS, the Farmers Home Administration (FmHA) requires its applicants to submit for cultural resource assessments projects covered under Section 106 (of the National Historic Preservation Act) to the Mississippi Department of Archives and History (MDAH), the designated State Historic Preservation Office for the State of Mississippi; and,

WHEREAS, applicants for FmHA funding also submit their projects to the Department of Planning and Policy (DPP) in the Governor's Office of Federal-State Programs, the single point of contact for federal undertakings, for circulation on the Weekly Clearinghouse Log; and,

WHEREAS, MDAH submits its comments to FmHA with copies to the DPP, within the allotted comment period;

NOW, THEREFORE, it is mutually agreed that the following provisions shall be binding on all parties to the PMOA:

I. Applicants for FmHA funding shall submit projects for review to the MDAH on MDAH-approved Request for Cultural Resource Assessment forms with the appropriate map and other documentation as needed attached.

II. FmHA shall include any MDAH comment letters in its project files and shall take into account these comments prior to approval of funding.

III. If MDAH submits no comments to the DPP in the allotted comment period DPP shall consider that the project does not involve, disturb, or impact any cultural resources and will, therefore, constitute final clearance from MDAH. However, if MDAH forwards copies of any comments requesting additional information in order to fulfill the requirements of 36CFR800, DPP shall issue a conditional clearance and will attach copies of these comments to the Clearinghouse form which will be forwarded to the applicant. In addition, if the comment concerns are addressed within the allotted comment period, DPP will then issue the appropriate clearance.

IV. Certain activities shall be considered to have a categorical no effect on cultural resources and shall be thus categorically excluded from the review process. These projects include:

a) Laying of water and sewer lines in existing rights of way.

b) Purchase and/or lease of existing buildings, equipment or supplies which involves no construction.

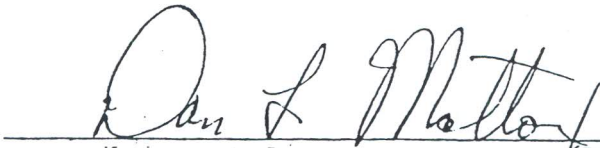
c) Improvements on previously disturbed property presently owned by privately administered-water associations.


These projects involve only the aforementioned activities. MDAH shall not review these projects and FmHA and DPP shall consider MDAH to have no comments on them.

V. Discovery of Cultural Resources in Project Area  
After Approval of Project by FmHA and DPP. In the event  
that unrecorded cultural resources are uncovered during construction  
involving any FmHA undertaking, the applicant shall notify FmHA  
and MDAH immediately so that MDAH may respond within forty-eight  
hours to FmHA under 36CFR800, part 7.

VI. Amendments and Addendums to the PMOA. If any of the  
signatories to this PMOA determine that the terms of the agreement  
cannot be met or believes a change is necessary, that signatory shall  
immediately request the consulting parties to consider an amendment  
or addendum to the agreement. Such an agreement or addendum shall be  
executed in the same manner as the original PMOA.

  
MARIAN BAUCUM (DATE)  
Intergovernmental Review Coordinator  
Department of Planning and Policy

  
DAN L. MATTOX (DATE)  
Acting State Director  
Farmers Home Administration

  
ROGER G. WALKER (DATE)  
Interagency Coordinator  
Mississippi Department of Archives & History



Programmatic Memorandum of Agreement (PMOA)  
(S7C)

WHEREAS, the Division of State Aid Road Construction (DSA) of the Mississippi State Highway Department submits for cultural resource assessments projects covered under Section 106 (of the National Historic Preservation Act) and the State Antiquities Act (39-7-1 et seq. of the Mississippi Code of 1972, as amended) to the Mississippi Department of Archives and History (MDAH), the designated State Historic Preservation Office for the State of Mississippi; and,

WHEREAS, DSA also submits its projects to the Department of Planning and Policy (DPP) in the Governor's Office of Federal-State Programs, the single point of contact for federal undertakings, for circulation on the Weekly Clearinghouse Log; and,

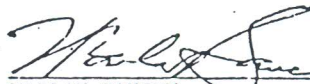
WHEREAS, MDAH submits its comments to DSA, with copies to the DPP, within the allotted comment period;


NOW, THEREFORE, it is mutually agreed that certain undertakings shall be considered categorically excluded in accordance with the following conditions:


I. Categorical Exclusion Undertakings. RS (Rural Secondary) projects in the 3R (Rehabilitation, Restoration and Repair) category which involve widening, leveling, base repair, graveling of shoulders, and placement of hot bituminous overlay. These projects involve only existing right of way and will not impact or alter any structures. The MDAH shall not review these projects and the DPP shall consider MDAH to have no comments on them.

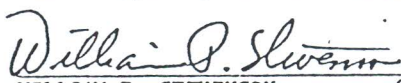
II. Discovery of Cultural Resources in Project Area After Approval of Project by DPP. In the event that unrecorded cultural resources are uncovered during construction involving these undertakings, the DSA shall notify the MDAH immediately so that the MDAH may respond within forty-eight hours under 36 CFR 800, part 7,


III. Amendments and Addendums to the PMOA. If any of the signatories to this PMOA determine that the terms of the agreement cannot be met or believes a change is necessary, that signatory shall immediately request the consulting parties to consider an amendment or addendum to the agreement. Such an amendment or addendum shall be executed in the same manner as the original PMOA.

 11/7/85  
MARLAN BAUCUM (DATE)  
Intergovernmental Review Coordinator  
Department of Planning and Policy

 11/14/85  
CLIFFORD J. FARISH (DATE)  
Assistant Office Supervisor  
Division of State Aid Road Construction

 12-13-85  
ROGER G. WALKER (DATE)  
Interagency Coordinator  
Mississippi Department of Archives and History

 11/14/85  
WILLIAM P. STEVENSON (DATE)  
State Aid Engineer  
Mississippi State Highway Department

 12/12/85  
JOHN R. TABB (DATE)  
Director Lock 105, Page 85  
Mississippi State Highway Department





STATE OF MISSISSIPPI  
DEPARTMENT OF ARCHIVES AND HISTORY

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ELBERT R. HILLIARD  
DIRECTOR

(S8)

Photo #1 (Project Property Snapshot) Request

The above proposed undertaking has been reviewed with regard to National Historic Preservation Act compliance by the participating federal agency or its designated representative. Procedures for implementing Section 106 of the Act are codified as 36CFR800, (44FR6068-6081, January 30, 1979).

In order for this office to review this project, we will need the following information:

Photographs of individual structures scheduled to be rehabilitated or demolished. The photographs should be keyed to a map showing the location of each structure within the neighborhood target area. Also, any known construction dates of the buildings would be helpful.

Upon receipt of the requested additional information, we will complete our review as expeditiously as possible.

If you have any questions, please contact Mr. Marc Hammack at 601/354-7326. Thank you for your cooperation.

Sincerely,

ELBERT R. HILLIARD  
State Historic Preservation Officer

BY: ROGER G. WALKER  
Interagency Coordinator

RGW/sp

cc: Clearinghouse for Federal Programs







STATE OF MISSISSIPPI  
DEPARTMENT OF ARCHIVES AND HISTORY

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ELBERT R. HILLIARD  
DIRECTOR

(S9)

Photo #2 (Project Property Snapshot) Request

The above proposed undertaking has been reviewed with regard to National Historic Preservation Act compliance by the participating federal agency or its designated representative. Procedures for implementing Section 106 of the Act are codified as 36CFR800 (44 FR 60686081, January 30, 1979).

In order for this office to review this project, we will need the following information:

Photographs of general neighborhood streetscapes which front

The photographs should be keyed to a map showing the location of each structure within the neighborhood target area. Also, any known construction dates of the buildings would be helpful.

Upon receipt of the requested additional information, we will complete our review as expeditiously as possible.

If you have any questions, please contact Mr. Marc Hammack at 601/354-7326. Thank you for your cooperation.

Sincerely,

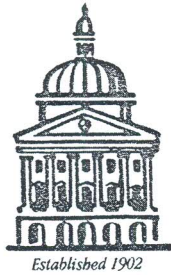
ELBERT R. HILLIARD  
STATE HISTORIC PRESERVATION OFFICER

BY: ROGER G. WALKER  
Interagency Coordinator

RGW/sp

cc: Clearinghouse for Federal Programs





# Mississippi Department of Archives and History

---

Post Office Box 571 • Jackson, Mississippi 39205-0571 • Telephone 601-359-1424

*Elbert R. Hilliard, Director*

(S10)

## Borrow Pit Map Request

We have received the cultural resource assessment on the above mentioned project. In order to complete our review, however, we will need a map showing the probable borrow site(s) for this project. If an alternate site is selected, we will need to review a map of that site before a contract is signed.

Upon receipt of this information we will issue our comments. If clarification is needed, please contact this office at 354-7326.

Sincerely,

ELBERT R. HILLIARD  
State Historic Preservation Officer

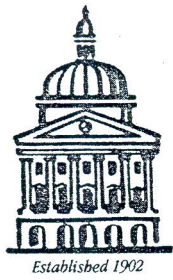
By: Roger G. Walker  
Interagency Coordinator

RGW/rm

cc: Clearinghouse for Federal Programs







# Mississippi Department of Archives and History

Post Office Box 571 • Jackson, Mississippi 39205-0571 • Telephone 601-359-1424

*Elbert R. Hilliard, Director*

(S11)

No Properties in Impact Area

We have reviewed the above project in accordance with our responsibilities outlined in "Procedures for the Protection of Historic and Cultural Properties," 36CFR800.4 and 800.5. It is our determination that no properties listed in the National Register of Historic Places are in the impact area. In addition, it is our conclusion that properties eligible for the National Register are not likely to be present.

Should there be additional work in connection with the project, or should there be any changes in the scope of work, please let us know in order that we may provide you with appropriate comments for compliance with the above procedures.

There remains a very remote possibility that unrecorded cultural sites may be encountered during construction. Should this occur, we would appreciate your contacting us immediately so that we may take appropriate steps under 36CFR800, part 7, regarding our response within forty-eight hours.

We appreciate your giving us the opportunity to comment. If we can be of assistance, please do not hesitate to contact this office at 354-7326.

Sincerely,

ELBERT R. HILLIARD  
State Historic Preservation Officer

By: Roger G. Walker  
Interagency Coordinator

RGW/rm

cc: Clearinghouse for Federal Programs





# Mississippi Department of Archives and History

Post Office Box 571 • Jackson, Mississippi 39205-0571 • Telephone 601-359-1424

*Elbert R. Hilliard, Director*

(S12)

No Effect on Properties

We have reviewed the above project in accordance with our responsibilities outlined in "Procedures for the Protection of Historic and Cultural Properties," 36 CFR 800.4 and 800.5. Our survey files indicate the following cultural resources within or near the project area:

(TYPE IN NAME OF PROPERTY)

After examining the proposal we have concluded that there will be no effect on these properties. It is not likely that other properties eligible for the National Register are present. Should there be additional work in connection with the project, or should there be any changes in the scope of work, please let us know in order that we may provide you with appropriate comments for compliance with the above procedures.

There remains a very remote possibility that unrecorded cultural sites may be encountered during construction. Should this occur, we would appreciate your contacting us immediately so that we may take appropriate steps under 36CFR800, part 7, regarding our response within forty-eight hours.

Please retain this letter as evidence of compliance with 36 CFR 800. We appreciate your giving us the opportunity to comment. If we can be of assistance, please do not hesitate to contact this office at 354-7326.

Sincerely,

ELBERT R. HILLIARD  
State Historic Preservation Officer

By: Roger G. Walker  
Interagency Coordinator

RGW/rm

cc: Clearinghouse for Federal Programs







STATE OF MISSISSIPPI  
DEPARTMENT OF ARCHIVES AND HISTORY

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ELBERT R. HILLIARD  
DIRECTOR

(S13A)

Archaeology Survey Request with enclosed forms

The review of the above project was undertaken in accordance with the Advisory Council on Historic Preservation's "Procedures for the Protection of Historic and Cultural Properties" (39 FE 3366), as codified in 36CFR800. The position of State Historic Preservation Office (SHPO) is established on the state level by request of the Secretary of the Interior. The SHPO has been requested by the Advisory Council to comment on the impact which federally funded, licensed or assisted projects may have on historic or archaeological sites. Under the National Historic Preservation Act, Executive Order 11593, and Advisory Council's procedures, the responsibility for the preservation of cultural properties lies with federal agencies which license or fund projects.

Although our statewide survey files do not indicate the presence of historic or archaeological sites in the project area and although no sites listed on the National Register of Historic Places will be affected, there has been, according to our records, no comprehensive survey of the project area. The topography of the area is of the type that would have been conducive to aboriginal settlements, and a possibility exists that unrecorded and heretofore unrecognized archaeological sites may be revealed when development and construction work is undertaken. The identification of such sites prior to the initiation of the project can be accomplished by conducting a cultural resources survey. A survey will assist you in complying with Section 800.4(a) of the procedures, a copy of which is enclosed.

(S13A, p. 2)

We are also enclosing a list of professional archaeologists who conduct surveys in Mississippi. These archaeologists are usually able to perform surveys on short notice. A copy of this letter should be made available to the contracting archaeologist. Please request the archaeologist to complete his report in accordance with the enclosed guidelines. Survey reports which do not meet the guidelines will be returned.

Please feel free to contact us (phone # 354-7326) on any matters which concern historic preservation in Mississippi.

Sincerely,

Elbert R. Hilliard  
State Historic Preservation Officer

By: Roger G. Walker  
Interagency Coordinator

RGW/rm

Enclosures

cc: Clearinghouse for Federal Programs

STATE OF MISSISSIPPI GUIDELINES FOR CULTURAL RESOURCE SURVEY REPORTS

Cultural resource survey reports for surveys in the state of Mississippi should adhere to the guidelines listed below. Whenever it is impossible to follow any guideline, an explanation should be given in the survey report. The reports should be in narrative form. Survey reports which do not meet these guidelines will be returned.

1. The report should include a map (7.5' U.S.G.S. quadrangle, 15' U.S.G.S. quadrangle if 7.5' is unavailable) or a clear copy of the pertinent portion of such a map. On this map should be precisely located the area surveyed and any sites which are discovered in the course of the survey. The map should be clearly labeled (Madison 7.5' etc.)
2. The beginning and termination dates of the survey should be stated.
3. The total number of acres surveyed should be included in the report.
4. Ground cover conditions should be described and the technique of pedestrian survey specified with spacing of transects, etc. given. Where the surface cannot be inspected with reasonable thoroughness, sub-surface testing should be done of all ground where archaeological sites could possibly occur. The nature of any sub-surface testing should be discussed with size, depth and spacing interval of tests specified.
5. Where the size of the survey area makes complete visual inspection of the surface impractical, each environmental zone should be sampled.
6. When sites are discovered, they should be precisely located on the map mentioned in guideline #1. The limits of each site should be defined verbally and a sketch map drawn indicating its boundaries and a permanent landmark.
7. The report and map should indicate the location of any structure which may have been built prior to World War II.
8. Where sites are mentioned in the report, the state site number assigned by MDAH must be used. A current state site form for each site must be submitted as part of the report. Site forms may be submitted to MDAH prior to report preparation for number assignment.
9. Surface collections should be made from each archaeological site with care being taken to collect specimens of all relevant categories. Artifactual remains should be classified into ceramic or lithic types or varieties. The report should include a tabulation of all artifacts and floral or faunal remains collected from each site.



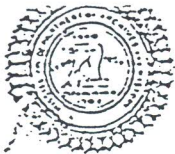
Guidelines

Page two

(S13B,p. 2)

10. Statement should be made concerning the depth and nature of cultural deposits at each archaeological site and the degree and type of disturbance observed.
11. 8 x 10 glossy prints should be included of each archaeological site considered eligible for the National Register of Historic Places. At least one should show an overall view. All prominent features such as mounds should be individually photographed. One photograph of each pre-World II standing structure must be included.
12. The investigator should express an opinion as to the nature of each site--village, quarry, hunting camp, etc.--and how this opinion was formed.
13. The investigator should state his opinion as to the cultural and chronological position of each archaeological site. Phase designation should be made, if possible.
14. The landowner of each National Register-eligible site should be listed.
15. The investigator should express an opinion concerning the significance of each site, whether or not it merits preservation or further research, and whether or not it is eligible for the National Register. A statement should be made on how further investigation of the site could lead to a better understanding of the area's past.
16. The investigator should evaluate the effect of the project of each site identified.
17. The investigator should suggest alternatives or steps to mitigate damages for any sites which will be adversely affected.
18. The report should be signed, and the address and telephone number of the surveyor should be included.
19. A vita of the principal investigator should be on file with this Department or should be appended to the report.

Revised 7/85



STATE OF MISSISSIPPI  
DEPARTMENT OF ARCHIVES AND HISTORY  
P O BOX 571  
JACKSON, MISSISSIPPI 39205-0571

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EVERETTE TRULY  
SHERWOOD W WISE  
ELBERT R MILLIARD  
DIRECTOR

June 1, 1984

(S13C)  
GUIDELINES FOR SITE CARDS

Dear Colleague:

The purpose of this letter, which I hope you will read thoroughly, is to stress the importance of accurate archaeological site records. The State Historic Preservation Office staff work with site forms to a much greater extent than the rest of you because of our particular function. We therefore have a greater awareness of the need for accuracy.

The information which you supply on site forms is used for a variety of purposes, all of which are important. Although the form isn't perfect and certainly doesn't provide space for all of the data concerned, if filled out conscientiously and completely, it is a useful management and research document. I must stress the word "if". There are some problem areas which should be specifically pointed out:

Site locations are often not precisely defined. There are spaces on the form for the location of sites in terms of section, township and range and UTM coordinate systems.

There is also a gridded area provided for a sketch map or the application of a copy of the section of the quadrangle map containing the site. These three systems of site location should be used and should coincide. They should also coincide with the site locations given on the maps which accompany survey reports.

The section on chronology is also a problem area. A space designating one of the listed periods should not be checked if there are no diagnostic artifacts documenting this decision. One frequent abuse of this section is where a site is assigned an archaic component or even more specifically a late archaic component merely because of the absence of ceramics.

Please note the last line on the front side of the form which says "use reserve side for additional information." The intended use of the form is to give a brief description of the site. One item which should have been included and which may yet be printed on the reverse

June 1, 1964

Page Two

side of the form at a later date is a designation of site type, for instance, midden mound, burial mound, burial mound, lithic scatter, etc. Please use the reverse side of the form for such designations and for any other comments which are deemed appropriate.

Please give careful consideration to the above comments and requests for the benefit of all concerned with the use of these records.

Sincerely,

A handwritten signature in cursive script, reading "Sam O. McGahey". The signature is written in dark ink and is positioned above the printed name and title.

Samuel O. McGahey  
Chief Archaeologist

SM/ks



(S13D)  
List of Archaeological Consultants

This is a list of individuals who have represented themselves as being willing and qualified to do archaeological survey work in Mississippi. The list has been compiled merely as a public service by the Mississippi Department of Archives and History and in no way constitutes a certified, recommended, or preferred list of archaeologists. It should be understood that there may be other individuals in the State who are willing to do survey work.

JAMES R. ATKINSON  
Route 1, Box NT 2  
Tupelo, MS 38801  
601-842-1572

ELIZABETH BOGGESS  
Archaeologists Unlimited  
Eastern Office  
6321 Pear Orchard Road  
Jackson, MS 39211  
601-956-7060

SAM BROOKES  
659 Fort Hill Road  
Vicksburg, MS 39180  
1-601-634-5442

JOHN M. CONNAWAY  
109 Crestline Avenue  
Clarksdale, MS 38614  
601-627-4219

MARK DELEON  
3157 Santa Clair Circle  
Jackson, MS 39212  
601-373-2200

DAVID H. DYE  
Department of Anthropology  
Memphis State University  
Memphis, TN 38152  
901-454-2080 or 452-4005

JANET FORD  
Department of Anthropology  
University of Mississippi  
University, MS 38677  
601-232-7129

JOE FRANK  
2406 Norben Drive  
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318-433-3537

SUSAN FULGHAM  
Coastal Environments, Inc.  
1260 Main Street  
Baton Rouge, LA 70802  
504-383-7455

PATRICK H. GARROW  
Soil System, Inc.  
525 Webb Industrial Drive  
Marietta, GA 30062  
404-424-6200

HEARTFIELD, PRICE & GREENE  
802 North 31st Street  
Monroe, LA 71201  
318-388-4754

JAMES T. LAURO  
221 Pecan Creek Drive  
Madison, MS 39110  
1/601/354-4630 Jackson, MS (M-F/8-5)  
1/800/354-7690 Jackson, MS (M-F/8-5)  
1/601/856-3168 Madison, MS (after 5+wknds)

LOURDES HENEERY  
3157 Santa Clair Circle  
Jackson, MS 39212  
601-373-2200 or 354-5201 Ext. 365

JACK C. HUDSON  
Cultural Resources Services  
226 Lakeshore Drive  
Seabrook, TX 77586  
713-334-5171

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Greenwood, MS 38920  
601-453-6071

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University, MS 38677  
601-232-7129

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Route I, Box 461A Surveys  
West Point, Mississippi 39773  
1-601-494-6884



Geoffrey R. Lehmann  
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601-325-3826

or  
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MID CONTINENTAL RESEARCH ASSOCIATES  
EASTERN DISTRICT OFFICES  
Route 2, Box 270  
Lowell, AR 72745  
501-756-5247 or 521-6860

CAREY B. OAKLEY  
Office of Archaeological Research  
The University of Alabama  
1 Mound State Monument  
Moundville, AL 35474  
205-371-2266 or 348-7774

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REED STOWE  
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University of South Alabama  
Archaeology Lab  
Mobile, AL 36628  
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NEW WORLD RESEARCH  
P. O. Box 410  
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or  
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Edwards, MS 39066  
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Hattiesburg, MS 39401  
601-266-4306

ALAN WHITEHEAD  
203 West Barton  
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601-453-3457 - HOME #  
601-453-7141 - WORK #

MALCOLM KARL SHUMAN  
2568 Hundred Oaks  
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1-504-346-8072



**RULES AND REGULATIONS**

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tional, State, and local level by reviewing and commenting on Federal actions affecting National Register and eligible properties in accordance with the following authorities:

(1) Section 106 of the National Historic Preservation Act. Section 106 requires that Federal agencies with direct or indirect jurisdiction over a Federal, federally assisted or federally licensed undertaking afford the Council a reasonable opportunity for comment on such undertakings that affect properties included in or eligible for inclusion in the National Register of Historic Places prior to the agency's approval of any such undertaking.

(2) Section 1(3) of Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment." Section 1(3) requires that Federal agencies, in consultation with the Council, institute procedures to assure that their plans and programs contribute to the preservation and enhancement of non-federally owned historic and cultural properties.

(3) Section 2(b) of Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment." Federal agencies are required by Section 2(a) of the Executive Order to locate, inventory, and nominate properties under their jurisdiction or control to the National Register. Until such processes are complete, Federal agencies must provide the Council an opportunity to comment on proposals for the transfer, sale, demolition, or substantial alteration of federally owned properties eligible for inclusion in the National Register.

(4) The President's Memorandum on Environmental Quality and Water Resources Management. The Memorandum directs the Council to issue final regulations under the National Historic Preservation Act by March 1, 1979, and further directs Federal agencies with water resource responsibilities and programs to publish procedures implementing the Act not later than three months after promulgation of final regulations by the Council. Federal agencies' procedures are to be reviewed and, if they are consistent with the Council's regulations, approved by the Council within 60 days and published in final form.

**§ 800.2 Definitions.**

As used in these regulations:

(a) "National Historic Preservation Act" means Pub. L. 89-665, approved October 15, 1966, an "Act to establish a program for the preservation of additional historic properties throughout the Nation and for other purposes" (80 Stat. 915, 16 U.S.C. 470, as amended; 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978)), hereinafter referred to as "the Act."

(b) "Executive Order" means Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment" (36 FR 8921, 16 U.S.C. 470).

(c) "Undertaking" means any Federal, federally assisted or federally licensed action, activity, or program or the approval, sanction, assistance, or support of any non-Federal action, activity, or program. Undertakings include new and continuing projects and program activities (or elements of such activities not previously considered under Section 106 or Executive Order 11593) that are: (1) Directly undertaken by Federal agencies; (2) supported in whole or in part through Federal contracts, grants, subsidies, loans, loan guarantees, or other forms of direct and indirect funding assistance; (3) carried out pursuant to a Federal lease, permit, license, certificate, approval, or other form of entitlement or permission; or, (4) proposed by a Federal agency for Congressional authorization or appropriation. Site-specific undertakings affect areas and properties that are capable of being identified at the time of approval by the Federal agency. Non-site-specific undertakings have effects that can be anticipated on National Register and eligible properties but cannot be identified in terms of specific geographical areas or properties at the time of Federal approval. Non-site-specific undertakings include Federal approval of State plans pursuant to Federal legislation, development of comprehensive or area-wide plans, agency recommendations for legislation and the establishment or modification of regulations and planning guidelines.

(d) "National Register" means the National Register of Historic Places. It is a register of districts, sites, buildings, structures, and objects of national, State, or local significance in American history, architecture, archeology, and culture that is expanded and maintained by the Secretary of the Interior under authority of section 2(b) of the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461) and Section 101(a)(1) of the National Historic Preservation Act. Implemented through 36 CFR Part 60. The National Register is published in its entirety in the FEDERAL REGISTER each year in February. Addenda are usually published on the first Tuesday of each month.

(e) "National Register property" means a district, site, building, structure, or object included in the National Register.

(f) "Eligible property" means any district, site, building, structure, or object that meets the National Register Criteria.

(g) "National Register Criteria" means the criteria established by the

Secretary of the Interior to evaluate properties to determine whether they are eligible for inclusion in the National Register. (See 36 CFR 60.6.)

(h) "Decision" means the exercise of or the opportunity to exercise discretionary authority by a Federal agency at any stage of an undertaking where alterations might be made in the undertaking to modify its impact upon National Register and eligible properties.

(i) "Agency Official" means the head of the Federal agency having responsibility for the undertaking or a designee authorized to act for the Agency Official.

(j) "Council" means the Advisory Council on Historic Preservation as established by Title II of the Act.

(k) "Chairman" means the Chairman of the Advisory Council on Historic Preservation or a member designated to act for the Chairman.

(l) "Executive Director" means the Executive Director of the Advisory Council on Historic Preservation as established by Section 205 of the Act, or a designee authorized to act for the Executive Director.

(m) "State Historic Preservation Officer" means the official, who is responsible for administering the Act within the State or jurisdiction, or a designated representative authorized to act for the State Historic Preservation Officer. These officers are appointed pursuant to 36 CFR Part 61.2 by the Governors of the 50 States, Guam, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Mariana Islands, and the Mayor of the District of Columbia.

(n) "Secretary" means the Secretary of the Interior or a designee authorized to carry out the historic preservation responsibilities of the Secretary under the Act, Executive Order 11593, and related authorities.

(o) "Area of the undertaking's potential environmental impact" means that geographical area within which direct and indirect effects generated by the undertaking could reasonably be expected to occur and thus cause a change in the historical, architectural, archeological, or cultural qualities possessed by a National Register or eligible property. The boundaries of such area should be determined by the Agency Official in consultation with the State Historic Preservation Officer as early as possible in the planning of the undertaking.

(p) "Consulting parties" means the Agency Official, the State Historic Preservation Officer, and the Executive Director.



effect. Criteria of effect and adverse

The following criteria shall be used to determine whether an undertaking has an effect or an adverse effect in accordance with these regulations.

(a) *Criteria of Effect.* The effect of a Federal, federally assisted or federally licensed undertaking on a National Register or eligible property is evaluated in the context of the historical, architectural, archeological, or cultural significance possessed by the property. An undertaking shall be considered to have an effect whenever any condition of the undertaking causes or may cause any change, beneficial or adverse, in the quality of the historical, architectural, archeological, or cultural characteristics that qualify the property to meet the criteria of the National Register. An effect occurs when an undertaking changes the integrity of location, design, setting, materials, workmanship, feeling, or association of the property that contributes to its significance in accordance with the National Register criteria. An effect may be direct or indirect. Direct effects are caused by the undertaking and occur at the same time and place. Indirect effects include those caused by the undertaking that are later in time or farther removed in distance, but are still reasonably foreseeable. Such effects may include changes in the pattern of land use, population density or growth rate that may affect properties of historical, architectural, archeological, or cultural significance.

(b) *Criteria of Adverse Effect.* Adverse effects on National Register or eligible properties may occur under conditions which include but are not limited to:

- (1) Destruction or alteration of all or part of a property;
- (2) Isolation from or alteration of the property's surrounding environment;
- (3) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alteration of a property resulting in deterioration or destruction.
- (4) Transfer or sale of a property without adequate conditions or restrictions regarding preservation, maintenance, or use.

**OF INDIVIDUAL UNDERTAKINGS**

Federal Agency responsibilities.

As far as possible before an agency makes a final decision concerning an action that would foreclose the Agency's ability to take the following steps to comply with the requirements of Section 106

of the National Historic Preservation Act and Section 2(b) of Executive Order 11593. It is the primary responsibility of each Agency Official requesting Council comments to conduct the appropriate studies and to provide adequate review of the effect a proposed undertaking may have on a National Register or eligible property, as well as the information necessary for adequate consideration of modifications or alterations to the proposed undertaking that could avoid, mitigate, or minimize any adverse effects. It is the responsibility of each Agency Official requesting consultation with a State Historic Preservation Officer under this section to provide the information that is necessary to make an informed and reasonable evaluation of whether a property meets National Register criteria and to determine the effect of a proposed undertaking on a National Register or eligible property. Although a Federal agency may require non-Federal parties to undertake certain steps required by these regulations and may authorize non-Federal participation under this section and in the consultation process under Section 800.6 pursuant to approved counter-regulations, the ultimate responsibility for compliance with these regulations remains with the Federal agency and cannot be delegated by it.

(a) *Identification of National Register and Eligible Properties.* It is the responsibility of each Federal agency to identify or cause to be identified any National Register or eligible property that is located within the area of the undertaking's potential environmental impact and that may be affected by the undertaking.

(1) The Agency Official shall consult the State Historic Preservation Officer, the published lists of National Register and eligible properties, public records, and other individuals or organizations with historical and cultural expertise, as appropriate, to determine what historic and cultural properties are known to be within the area of the undertaking's potential environmental impact. The State Historic Preservation Officer should provide the Agency Official with any information available on known historic and cultural properties identified in the area (whether on the National Register or not), information on any previous surveys performed and an evaluation of the need for a survey of historic and cultural properties, and recommendations as to the type of survey and/or survey methods should a survey be recommended, and recommendations on boundaries of such surveys.

(2) The Agency Official shall, after due consideration of the information

obtained pursuant to § 800.4(a)(1), determine what further actions are necessary to discharge the agency's affirmative responsibilities to locate and identify eligible properties that are within the area of the undertaking's potential environmental impact and that may be affected by the undertaking. Such actions may include a professional cultural resource survey of the environmental impact area, or parts of the area, if the area has not previously been adequately surveyed. The recommendations of the State Historic Preservation Officer should be followed in this matter.

(3) The Agency Official, in consultation with the State Historic Preservation Officer, shall apply the National Register criteria to all properties that may possess any historical, architectural, archeological, or cultural value located within the area of the undertaking's potential environmental impact. If either the Agency Official or the State Historic Preservation Officer finds that a property meets the National Register Criteria or a question exists as to whether a property meets the Criteria, the Agency Official shall request a determination of eligibility from the Secretary of the Interior in accordance with 36 CFR Part 63. The opinion of the Secretary respecting the eligibility of a property shall be conclusive for the purposes of these regulations. If the Agency Official and the State Historic Preservation Officer agree that no identified property meets the Criteria, the Agency Official shall document this finding and, unless the Secretary has otherwise made a determination of eligibility under 36 CFR Part 63, may proceed with the undertaking.

(4) The Agency Official shall complete the preceding steps prior to requesting the Council's comments pursuant to Section 800.4(b)-(d). The Agency Official may, however, initiate a request for the Council's comments simultaneously with a request for a determination of eligibility from the Secretary when the Agency Official and the State Historic Preservation Officer agree that a property meets the National Register Criteria. Before the Council completes action pursuant to § 800.6, the Secretary must find the property eligible for inclusion in the National Register.

(b) *Determination of Effect.* For each National Register or eligible property that is located within the area of the undertaking's potential environmental impact, the Agency Official, in consultation with the State Historic Preservation Officer, shall apply the Criteria of Effect, (§ 800.3(a)), to determine whether the undertaking will have an effect upon the historical, architectural, archeological, or cultural characteristics of



ing any irreversible or irretrievable commitment that could result in adverse effect on a National Register-eligible property or that would preclude the consideration of modifications or alternatives to the proposed undertaking that could avoid, mitigate, or minimize such adverse effects.

State Historic Preservation Officer responsibilities.

The State Historic Preservation Officer should participate in the process established by these regulations whenever it concerns an undertaking located within the State Historic Preservation Officer's jurisdiction.

Unless a longer time is agreed to by the Agency Official, the failure of a State Historic Preservation Officer to respond to an Agency Official's request for consultation under Section 800.4.30 days after receipt shall not constitute the Agency Official from proceeding with the review process under these regulations.

The State Historic Preservation Officer, with the Agency Official and the Executive Director, should participate in any consultation under (b) and sign any Memorandum of Agreement developed under (c) of these regulations. Failure of the State Historic Preservation Officer to participate in a consultation under § 800.6(b) or to sign a Memorandum of Agreement as provided in (1) within 30 days of receipt shall constitute the Executive Director as notifying the Agency Official that the State Historic Preservation Officer agrees with the terms of the Agreement. The Executive Director shall not prohibit the Executive Director or the Agency Official from signing the Agreement and having it filed by the Chairman in accordance with § 800.6(c)(2).

Council comments.

The following subsections specify the Council will respond to Federal agency requests for the Council's comments required to satisfy an agency's responsibilities under Section 106 of the Act and Section 2(b) of the Executive Order.

*Response to determinations of no adverse effect.* (1) Upon receipt of a determination of No Adverse Effect from an Agency Official, the Executive Director will review the Determination and supporting documentation. Initially, the Executive Director will review without delay. If the documentation is not adequate, the Executive Director will so inform the Agency Official within 15 days. Unless the Executive Director objects to the Determination within 30 days after receipt of adequately documented Determination, the Agency Official will be considered to have satisfied the agency's responsibilities under Section 106 of the Act, Section 2(b) of the Executive Order, and these regulations, and may proceed with the undertaking.

(2) If the Executive Director objects to a Determination of No Adverse Effect, the Executive Director shall specify the basis for the objection and may specify conditions which will eliminate the objection. As appropriate, the Executive Director may consult the Agency Official, the State Historic Preservation Officer, and other interested parties in specifying conditions. If the Agency Official accepts the conditions in writing, the conditions will be incorporated into the agency's Determination and the Executive Director's objection will be withdrawn. The Agency Official then will be considered to have satisfied the agency's responsibilities under Section 106 of the Act, Section 2(b) of the Executive Order, and these regulations, and may proceed with the undertaking.

(3) If the Agency Official does not accept the Executive Director's conditions or if the Executive Director objects to a Determination of No Adverse Effect without specifying conditions that would remove the objection, the Executive Director shall initiate the consultation process pursuant to § 800.6(b).

(b) *Consultation Process.* The Agency Official, the State Historic Preservation Officer, and the Executive Director shall be the consulting parties to consider feasible and prudent alternatives to the undertaking that could avoid, mitigate, or minimize adverse effects on a National Register or eligible property. When an undertaking involves more than one Federal agency, these agencies may, upon notification to the Executive Director, coordinate their consultation responsibilities through a single lead agency. Grantees, permittees, licensees, or other parties in interest, and representatives of national, State, or local units of government and public and private organizations, may be invited by the consulting parties to participate in the consultation process.

(1) *Preliminary Case Report.* The Agency Official shall provide copies of the report to the consulting parties at the initiation of the consultation and make it readily available for public inspection.

(2) *On-site inspection.* At the request of any of the consulting parties, the Agency Official shall conduct an on-site inspection.

(3) *Public Information Meeting.* At the request of any of the consulting parties, the Executive Director shall conduct a meeting open to the public, where representatives of national, State, or local units of government, representatives of public or private or-



## RULES AND REGULATIONS

ganizations, and interested citizens may receive information and express their views on the undertaking, its effects on the National Register or eligible property, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties. The Agency Official shall provide adequate facilities for the meeting near the site of the undertaking and shall afford appropriate notice to the public, generally at least 15 days in advance of the meeting.

(4) *Consideration of Alternatives.* Upon review of the proposed undertaking and after any on-site inspection or public information meeting, the consulting parties shall determine whether there are feasible and prudent alternatives to avoid the adverse effects on National Register or eligible property. If the consulting parties cannot agree on an alternative to avoid, they shall consult further to determine if there are alternatives that could satisfactorily mitigate the adverse effects.

(5) *Avoidance or Satisfactory Mitigation of Adverse Effect.* If the consulting parties agree upon a feasible and prudent alternative to avoid or satisfactorily mitigate the adverse effects of the undertaking on the National Register or eligible property, they shall execute a Memorandum of Agreement in accordance with § 800.6(c) specifying how the undertaking will proceed to avoid or mitigate the adverse effect.

(6) *Acceptance of Adverse Effect.* If the consulting parties determine that there are no feasible and prudent alternatives that could avoid or satisfactorily mitigate the adverse effects and agree that it is in the public interest to proceed with the proposed undertaking, they shall execute a Memorandum of Agreement in accordance with § 800.6(c) acknowledging this determination and specifying any recording, salvage, or other measures to minimize the adverse effects that shall be taken before the undertaking proceeds.

(7) *Failure to Agree.* Upon the failure of the consulting parties to agree upon the terms for a Memorandum of Agreement, or upon notice of such failure by any of the consulting parties to the Executive Director, the Executive Director shall notify the Chairman within fifteen days and shall recommend whether or not the matter should be scheduled for consideration at a Council meeting. The Agency Official and the State Historic Preservation Officer shall be notified in writing of the Executive Director's recommendation.

(c) *Memorandum of Agreement—(1) Preparation of Memorandum of Agreement.* It shall be the responsibility of the Executive Director to prepare each Memorandum of Agreement re-

quired under these regulations. Unless otherwise requested by the Executive Director, the Agency Official shall prepare a proposal for inclusion in the Agreement that details the actions agreed upon by the consulting parties to be taken to avoid, satisfactorily mitigate, or accept the adverse effects on the property. The State Historic Preservation Officer's written concurrence shall be included in this proposal by the Agency Official. If the Executive Director determines that the proposal represents the agreement of the consulting parties, he shall within 10 days forward it as a Memorandum of Agreement to the Chairman for ratification pursuant to § 800.6(c)(2). If the Executive Director determines that the proposal does not adequately represent the agreement reached by the consulting parties, it may be returned to the Agency Official, or a Memorandum of Agreement revising the proposal may be submitted to the Agency Official and the State Historic Preservation Officer. As appropriate other parties in interest may be invited by the consulting parties to indicate their concurrence with the proposal or to be a signatory to the Agreement.

(2) *Review of Memorandum of Agreement.* Upon receipt of an executed Memorandum of Agreement, the Chairman shall institute a 30-day review period. Unless the Chairman notifies the Agency Official that the matter has been placed on the agenda for consideration at a Council meeting, the Agreement shall become final when ratified by the Chairman or upon the expiration of the 30-day review period with no action taken. Copies will be provided to signatories and notice of executed Memoranda of Agreement shall be published in the FEDERAL REGISTER. The Memorandum of Agreement should be included in the final environmental impact statement prepared pursuant to the National Environmental Policy Act.

(3) *Effect of Memorandum of Agreement.* Agreements duly executed in accordance with these regulations shall constitute the comments of the Council and shall evidence satisfaction of the Federal agency's responsibilities for the proposed undertaking under Section 106 of the Act, Section 2(b) of the Executive Order, and these regulations. Failure to carry out the terms of a Memorandum of Agreement requires that the Federal agency again request that the Council's comments in accordance with these regulations. In such instances, until the Council issues its comments under these regulations the Agency Official shall not take or sanction any action or make any irreversible or irretrievable commitment that could result in an adverse effect with respect to National Register or eligible

properties covered by the Agreement or that would foreclose the Council's consideration of modifications or alternatives to the proposed undertaking that could avoid or mitigate the adverse effect.

(4) *Amendment of a Memorandum of Agreement.* If a signatory determines that the terms of the Memorandum of Agreement cannot be met or believes a change is necessary, the signatory shall immediately request the consulting parties to consider an amendment of the Agreement. Amendments will be executed in the same manner as the original Agreement.

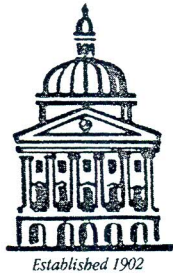
(5) *Report on Memorandum of Agreement.* Within 90 days after carrying out the terms of the Agreement, the Agency Official shall report to all signatories on the actions taken.

(d) *Council Meetings.* The Council does not hold formal administrative hearings to develop its comments under these regulations. Reports and statements will be presented to the Council in open session in accordance with a prearranged agenda. Regular meetings of the Council generally occur quarterly.

(1) *Response to Recommendation for Consideration at Council Meeting.* Upon receipt of a notice and recommendation from the Executive Director concerning consideration of a proposed undertaking at a Council meeting, the Chairman shall determine within 15 days whether or not the undertaking will be considered and shall notify the Executive Director, the Agency Official, and the State Historic Preservation Officer of his decision. The Agency Official shall and the State Historic Preservation Officer should provide such reports and information as may be required to assist the Chairman in this determination.

If the Chairman decides against consideration of the undertaking at a Council meeting, a written summary of the undertaking, any recommendations for action by the Federal agency, and the decision shall be sent to each member of the Council. The Chairman shall also notify the Agency Official and the State Historic Preservation Officer and other parties in interest of the decision. If three members of the Council object within 10 days of the Chairman's decision, the undertaking shall be scheduled for consideration at a Council meeting. Unless three members of the Council object, the chairman shall notify the Agency Official, the State Historic Preservation Officer, and other parties in interest in writing that the undertaking may proceed. Such notice shall be evidence of satisfaction of the Federal agency's responsibilities for the proposed undertaking under Section 106 of the Act, Section 2(b) of the Executive Order, and these regulations.





# Mississippi Department of Archives and History

Post Office Box 571 • Jackson, Mississippi 39205-0571 • Telephone 601-359-1424

*Elbert R. Hilliard, Director*

(S14)

## Archaeological Survey Report Clearance

We have reviewed the archaeological survey report of Name of Archaeologist on the above mentioned project.

No cultural sites eligible for listing in the National Register of Historic Places will be affected. We, therefore, have no further reservations regarding this undertaking.

There remains a very remote possibility that unrecorded cultural sites may be encountered during construction. Should this occur, we would appreciate your contacting us immediately so that we may take appropriate steps under 36CFR800, part 7, regarding our response within forty-eight hours.

If further clarification is needed, please contact this office at 354-7326.

Sincerely,

ELBERT R. HILLIARD  
State Historic Preservation Officer

By: Roger G. Walker  
Interagency Coordinator

RGW/bb

cc: Clearinghouse for Federal Programs





# United States Department of the Interior

NATIONAL PARK SERVICE  
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

DECEMBER 18, 1984

A5627(436)

STAFF DIRECTIVE 84-5

ANNUAL REVIEW

To: Directorate, Field Directorate, WASO Division Chiefs and Park Superintendents

From: Deputy Director

Subject: Establishment of Servicewide Procedures for Responding to Notifications Under Public Law 93-291 that Unanticipated Scientific, Prehistorical, Historical or Archeological Data have been Discovered during Construction of a Federal Undertaking and are being Irrevocably Lost or Destroyed

This directive is being issued to clarify the Service's responsibilities and establish Servicewide procedures for responding to notifications to the Secretary of the Interior under section 4(a) of the Archeological and Historic Preservation Act (Public Law 93-291) that unanticipated scientific, prehistorical, historical or archeological data have been discovered during construction of a Federal undertaking and are being irrevocably lost or destroyed. These procedures are to be used in those situations where a Federal agency has complied with section 106 of the National Historic Preservation Act (Public Law 89-665) and has commenced construction. They are not to be used in those situations where a Federal agency is notifying the Secretary that it intends to commence an undertaking and is requesting the Secretary's assistance in recovering significant data that may be damaged or destroyed.

1. Authority and Responsibility. Section 4(a) of PL 93-291 states that "the Secretary, upon notification, in writing, by any Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data is being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if he determines that such data is significant and is being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing such project, activity, or program, conduct or cause to be conducted a survey and other investigation of the areas which are or may be affected and recover and preserve such data (including analysis and publication) which, in his opinion, are not being, but should be recovered and preserved in the public interest."

The Departmental Consulting Archeologist (DCA), National Park Service, carries out these responsibilities for the Secretary in that he or his representative evaluates the significance of discovered properties in terms of the National Register of Historic



Places criteria and makes recommendations to the pertinent Federal agency on measures to recover significant scientific, prehistorical, historical or archeological data. If the DCA determines that the significance of the property, the effect of the project, and any proposed mitigation actions warrant consideration by the Advisory Council on Historic Preservation (ACHP), the project may be referred to the ACHP, (ref. section 800.7 of the ACHP's regulations, 36 CFR Part 800).

## 2. Investigation Procedure.

- a. WASO. Upon receipt of a notification from a Federal or State agency or appropriate authority that scientific, prehistorical, historical or archeological data are being irrevocably lost or destroyed by a Federal undertaking where construction has begun, the DCA shall for record keeping purposes assign a number to the notification. Numbers shall be assigned by fiscal year, Federal agency abbreviation, and number, beginning with 001 (e.g., the fifth notification received during FY86, concerning a National Park Service undertaking, would be assigned number 86-NPS-005.)

The DCA shall initiate investigation of the situation within 2 working days, unless otherwise mutually agreed to in writing by the DCA and the pertinent Federal agency. The DCA shall consult with appropriate Federal and State agency personnel and other authorities, determine if the situation warrants investigation and, if so, whether a field inspection is necessary. If a field inspection is necessary, he shall determine whether the inspection should be conducted by the DCA or by WASO or Regional Office personnel in the National Park Service or by personnel in the pertinent Interior bureau or Federal agency on his behalf. If it is determined that it is necessary to halt construction activities or move them temporarily outside of the immediate area of impact, the DCA shall consult via telephone with the agency's Historic Preservation Officer and request that construction activities be halted or moved temporarily.

Criteria to be used by the DCA in making his decisions shall include the nature and integrity of the archeological or historic property, the scope and nature of impacts of the project on the property, the status of compliance with section 106 of PL 89-665 (including any special monitoring or discovery stipulations contained in Memoranda of Agreement or No Adverse Effect Determinations), recommendations (if any) by the State and pertinent Federal agency, and the staff expertise available in the Service's WASO and Regional Offices or in the pertinent Interior bureau or Federal agency. For example, if the State and the Federal agency agree on the significance of a property and a data recovery program, it may not be necessary for the DCA to hold a field inspection.

If the DCA determines that WASO personnel should assist him in investigating the notification, he shall consult with the Chief of the Archeological Assistance Division and recommend specific staff having the appropriate expertise to assist him. The Chief of the Archeological Assistance Division shall direct an appropriate staff member to assist the DCA in conducting the investigation. The WASO staff member shall follow the procedures outlined for Regional Office staff in section 2(b) of this Staff Directive for assisting the DCA in carrying out the investigation.

If the DCA determines that Regional Office personnel should assist him in investigating the notification, he shall consult via telephone with the appropriate Regional Director and recommend specific staff having the appropriate expertise from the Regional Office, archeological center or other office or park to assist him.

If the DCA determines that personnel in another Interior bureau or Federal agency should assist him in investigating the notification, he shall consult via telephone with the agency's Historic Preservation Officer and recommend specific staff from the bureau or agency having the appropriate expertise to assist him.

- b. Regional Office. Following consultation with the DCA, the Regional Director shall direct an appropriate staff member to assist the DCA in conducting the investigation. As the DCA's representative, the staff member shall consult with and request the presence of staff from the State Historic Preservation Office and the pertinent Federal agency at any on-site inspection, and request their views on the significance of the discovered property and on steps to recover important data that will be destroyed by the undertaking. Following the on-site inspection and discussions with other participating parties, the DCA's representative shall prepare recommendations for the DCA on the significance of the discovered property and on steps to recover important data that will be destroyed by the undertaking.

Recommendations on significance and on steps to recover important data should be made in accordance with the Secretary of the Interior's Standards and Guidelines on Archeology and Historic Preservation (48 FR 44715-44742). The DCA's representative shall provide these recommendations and the views (if any) of the State and the Federal agency to the DCA for his concurrence via telephone, followed by written documentation. When necessary, documents shall be provided to the DCA via telefax or other electronic or overnight mail service.

Recommendations generally should fall into one of the following five categories:

1. The property is not significant and no data recovery is recommended.
2. The property is significant and the project impact is eliminated by redesign of the undertaking.
3. The property is significant and data recovery is recommended.
4. The property is significant but data recovery is not warranted because of other considerations and the loss of the data is acceptable.
5. Additional testing is recommended because there is insufficient information to determine the significance of the property.



The DCA shall make the final decisions regarding significance and data recovery efforts, and advise his/her representative of these decisions. Unless advised to the contrary, the DCA's representative shall act as the liaison and transmit the DCA's decisions to the Federal agency and the State. If the DCA determines that the significance of the property, the effect of the project or the nature of the mitigation actions warrant consideration by the ACHP, the project shall be referred to the ACHP.

3. Additional Guidance.

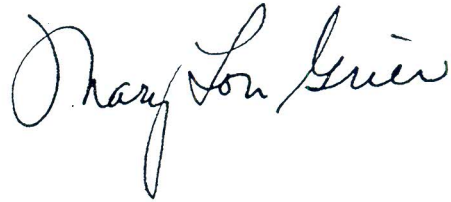
- a. Funding. Travel and other administrative and personnel costs incurred by WASO or Regional Offices assisting the DCA in conducting any investigation are to be borne by the office assisting in the investigation. The pertinent Federal agency is to be advised that it or its grantee, permittee or licensee is expected to bear costs for needed survey and/or data recovery (including analysis, report preparation and curation) and compensation for any project delays.
- b. Evaluation of Significance. The criteria for listing properties on the National Register of Historic Places are to be used when evaluating the significance of archeological and historical properties. When a property is evaluated as meeting the criteria, it is treated as if it were determined eligible for listing by the Keeper of the National Register. The property is not, however, formally determined eligible unless the Federal agency follows up with a request to the Keeper of the National Register for a determination of eligibility or nomination.
- c. Use of Consultants. Federal and nonfederal archeological and historical authorities having appropriate expertise may be consulted for advice concerning the significance of a property and recommendations for mitigation of impacts to the property. If costs would be incurred, the Regional Contracting Officer must be contacted so that appropriate steps may be taken in accordance with 365 DM. Decisions concerning significance and data recovery, however, lie with the DCA.
- d. Contacts with the Press. When information on a project is requested by members of the press, Service personnel shall provide a factual statement on the nature of the property and the project. When there are policy issues involved, the press should be referred to the DCA.
- e. Reports. Service personnel assisting the DCA in investigating notifications shall provide copies of correspondence, meeting notes and other documents to the DCA and the appropriate Regional Office. At the completion of an investigation, the DCA's representative shall prepare a written report for the DCA on the investigation by completing a "Report on Emergency Discovery Notifications to the Secretary of the Interior under P.L. 93-291." (A copy of the Report is attached to this Staff Directive). All correspondence and documents relating to an investigation shall bear the assigned notification number.



4. Definitions.

- a. Authority (Archeological or Historical). An archeological or historical authority is a professionally qualified archeologist, historian, architect, architectural historian or other professional in a related discipline who has demonstrated knowledge and experience in regard to the type of property discovered.
- b. Data Recovery. Data recovery is the systematic removal of the scientific, prehistoric, historic and/or archeological data that provide an archeological or historic property with its research or data value. Data recovery may include surveying and subsurface testing, developing and conducting mitigation programs, recording and relocating buildings and other structures, excavating and analyzing data recovered, preparing and disseminating reports on the data recovered, and curating those data and associated materials and documents.
- c. Discovery Situations during Construction. Discovery situations during construction include only those situations where land modifying activities associated with a Federal project or federally assisted, licensed or permitted activity or program have begun, and a previously unknown archeological or historic property is uncovered.

Any questions on the above procedures should be directed to Dr. Bennie C. Keel, Departmental Consulting Archeologist, at FTS 343-4101.



Attachment: "Report on Emergency Discovery Notifications to the Secretary of the Interior under P.L. 93-291"



**REPORT ON EMERGENCY DISCOVERY NOTIFICATIONS  
TO THE SECRETARY OF THE INTERIOR UNDER PL 93-291**

**Purpose:** This report has been designed to record and document actions taken by the Department of the Interior in response to emergency discovery notifications received by the Department under section 4(a) of PL 93-291. Emergency discovery situations (EDS) are defined to include only those situations where construction has begun on a Federal undertaking and a previously unknown archeological property is uncovered. This report should not be completed for routine notifications under section 4(a) that an agency intends to commence an undertaking and is formally requesting the Secretary's assistance in recovering important data that may be damaged or destroyed.

**Instructions:** Complete one report for each emergency discovery situation that you have assisted the Departmental Consulting Archeologist (DCA) in investigating. Copies of completed reports should be sent to the DCA and the appropriate NPS Regional Office.

EDS Notification #: \_\_\_\_\_

Name of DCA's Representative: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of State's Representative: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Federal Agency's Representative: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Location by Town/County/State: \_\_\_\_\_

Month/Day/Year of Notification: \_\_\_\_\_

Agency(s) involved (indicate lead agency if more than one): \_\_\_\_\_

Type of Project (check one):

\_\_\_\_\_ Federal Construction  
\_\_\_\_\_ Grant  
\_\_\_\_\_ Loan

\_\_\_\_\_ Permit/License (identify type)  
\_\_\_\_\_ Mortgage Guarantee  
\_\_\_\_\_ Other (identify)



Land Ownership (check one):

☐ Federal  
☐ Indian  
☐ Private

☐ State  
☐ Municipal  
☐ Combination (identify)

Who Notified DOI (check one):

☐ State agency official  
☐ Federal agency official  
☐ Other (identify)

☐ Project applicant  
☐ Professional Archeologist,  
Historian, Architect, etc.

Status of section 106 compliance at the time of the notification (check one):

☐ Completed with no site(s) located  
☐ Completed with No Effect  
☐ Completed with No Adverse Effect  
☐ Completed with MOA  
☐ Completed with PMOA  
☐ Not completed  
☐ Not required (specify)

Status of archeological investigations (completed or in progress) within the project area at the time of the notification (check all that apply):

☐ No survey  
☐ Reconnaissance (sample) survey without subsurface testing  
☐ Reconnaissance (sample) survey with subsurface testing  
☐ Intensive (100%) survey without subsurface testing  
☐ Intensive (100%) survey with subsurface testing  
☐ Data recovery  
☐ Monitoring  
☐ Other (specify)

If there was a monitoring program, describe to the best of your knowledge the procedure stipulated under that program to be followed by the agency et al. if resources were discovered.

Briefly describe your evaluation of the cause(s) of the discovery situation:

Results of actions taken in response to the emergency discovery notification included which of the following (check all that apply):

- ☐ Site(s) determined not significant
- ☐ Site(s) determined significant
- ☐ Testing conducted
- ☐ Data recovery conducted
- ☐ State and Federal agencies agreed on significance
- ☐ State and Federal agencies disagreed on significance
- ☐ State and Federal agencies agreed on additional investigations
- ☐ State and Federal agencies disagreed on additional investigations
- ☐ State and Federal agencies agreed with Interior's recommendations
- ☐ State and Federal agencies disagreed with Interior's recommendations
- ☐ Interior referred the case to the ACHP
- ☐ Other (specify)

Briefly describe the significance of the site(s):

Briefly describe the additional investigations to mitigate damage to the site(s):

Briefly describe the views (if any) of the State and the Federal agency concerning the significance of the site(s) and the additional investigations to mitigate damage:

If known, specify costs associated with additional archeological work and any down time.

\$ _____	Additional testing
\$ _____	Additional data recovery
\$ _____	Compensation for damages

Who paid such costs (check one):

_____ Federal agency (identify)	_____ State agency (identify)
_____ Permit/license applicant	_____ Indian tribe
_____ Grantee	_____ Combination (identify)
_____ Other (identify)	

Any additional comments:



OUTLINE  
SECTION 106 REVIEW

A. NOTIFICATION OF PROJECTS FOR REVIEW  
State Clearinghouse Log Notification

Interagency Coordinator shall:

- 1) Determine if the agency sponsoring project is sending notification to this office independently  
YES-----write "N/K" on the log entry  
NO-----proceed to step #2
- 2) Determine if the project involves construction  
YES-----proceed to step #3  
NO-----write "N/K" on the log entry
- 3) Determine if the project has been previously reviewed or is currently under review  
YES-----write "N/K" on the log entry  
NO-----proceed to step #4
- 4) Send out CRA forms and cover letters for appropriate entries

B. REVIEW PROCESS  
I. PRELIMINARY ASSESSMENTS

Clerk Typist, Sr., shall:

Enter the correspondence on the Correspondence Log and pass the correspondence on to the Interagency Coordinator

Interagency Coordinator shall:

Determine the degree of review required by asking the following questions:

- a) is construction involved?  
NO---a Non Construction Letter is issued  
YES--proceed to step "b"
- b) is a sufficient map attached?  
NO---a Map Request Letter is issued  
YES--proceed to step "c"
- c) has the project been reviewed previously or is it presently under review?  
NO---proceed to step "d"  
YES--issue a Prior Comment Letter
- d) is the project covered under an existing PMOA?  
NO---proceed to step "e"  
YES--notify the applicant and the agency
- e) has the project area been extensively disturbed previously?  
NO---proceed to step "f"  
YES--issue a No Effect on Properties Letter
- f) if architectural resources are to be impacted, are sufficient photos attached?  
NO---issue either a Photo #1 or Photo #2  
Letter as appropriate

- YES--proceed to step "g"
- g) if borrow material is to be used, is the appropriate map attached?
- NO---issue a Borrow Pit Map Letter
- YES--proceed to the EXISTING RESOURCES INVENTORY REVIEW

## II. EXISTING RESOURCES INVENTORY REVIEW

Interagency Coordinator shall:

- a) consult the current National Register of Historic Places inventory
- b) assign the Review and Compliance Assistant to check, where appropriate, the Statewide Survey of Historic Sites files and the archaeological site records

Review and Compliance Assistant shall:

check the aforementioned sources as assigned, plotting the appropriate resources on the project map, identifying the appropriate quadrangle map and sectional references and assessing the effects, if any

## III. ARCHITECTURAL RESOURCES REVIEW

Interagency Coordinator shall, if only architectural resources are involved, determine which comment should be issued. These include:

- a) issue a No Properties in the Impact Area Letter as appropriate
- b) issue a No Effect on Properties Letter as appropriate
- c) in the event that, either a "determination of eligibility" or "determination of effect" is required, shall consult with the Chief Architectural Historian and then shall: issue a "no adverse", a "conditional no adverse" or "adverse" effect letter as appropriate

NOTE: If archaeological resources will or may also be effected by the project. the ARCHAEOLOGICAL RESOURCES REVIEW is also conducted

## IV. ARCHAEOLOGICAL RESOURCES REVIEW

Review and Compliance Assistant shall:

process the preliminary archaeological resources review and, upon completion, pass the material on to the Chief Archaeologist

Chief Archaeologist shall:

determine if a cultural resources survey should be recommended and respond to the Interagency Coordinator with his comments

Interagency Coordinator shall either:

issue an Archaeological Survey Request Letter as appropriate  
OR issue the appropriate "effect letter" if only architectural  
resources are affected

Furthermore, upon receipt of the requested survey reports, the  
Interagency Coordinator shall:

determine if sites were found and,  
if so, shall pass on to the Review and Compliance  
Assistant to abstract and in turn pass on  
to the Chief Archaeologist  
if not, shall pass on directly to the Chief Archaeologist

Chief Archaeologist shall:

review the report, offer the appropriate comments and assign  
the report a number

Interagency Coordinator shall either:

issue an Archaeology Survey Report Clearance Letter  
OR request additional information from the archaeologist prior  
to issuance of the clearance letter





A.

Notification of  
Projects  
for Review

"N/K" as appropriate

CRA form as appropriate

B.

Review Process

I.  
Preliminary  
Assessments

Comment  
Letters  
OR  
Prior Comment Letter

Non-Construction Letter  
Map Request Letter

OR

No Properties in the Impact Area Letter

Borrow Pit Map Request Letter

No Properties in the  
Impact Area Letter  
OR  
No Effect on Properties  
Letter

II.  
Existing Resources  
Inventory Review :  
National Register  
Statewide Survey Files  
Archaeological Records

III.  
Architectural Resources  
Review

AND/OR

IV.  
Archaeological Resources  
Review

No Properties in  
the Impact Area  
Letter  
No Effect on  
Properties  
Letter  
Appropriate Effect  
Determination  
Letter

Archaeological  
Survey Request Letter

Archaeological

Survey Report Clearance Letter

# FLOW CHART

## SECTION 106 REVIEW





# Fact Sheet

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## Advisory Council on Historic Preservation

The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #309, Washington, DC 20004

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### A FIVE-MINUTE LOOK AT SECTION 106 REVIEW

About the Section 106  
review process

**WHAT IS SECTION 106 REVIEW?** Section 106 review is the major Federal protective process for historic properties. It is administered by the Advisory Council on Historic Preservation, an independent Federal agency.

**WHO ESTABLISHED SECTION 106?** The Congress did, as part of the National Historic Preservation Act of 1966 (NHPA). The NHPA, strengthened and expanded by several subsequent amendments, today has become the cornerstone of this country's historic preservation policy.

**WHY WAS SECTION 106 CREATED?** That law was enacted because of public concern that so many of our Nation's historic resources were not receiving adequate attention as the Government sponsored much-needed public works. At that time, Federal preservation law applied only to a handful of nationally significant properties, and Congress recognized that new legislation was needed to protect the many other historic properties that were being harmed by Federal activities.

**WHAT DOES THE NHPA SAY?** Section 106 of the NHPA requires that every Federal agency "take into account" how each of its undertakings could affect historic properties. An agency must also afford the Council a reasonable opportunity to comment on the agency's project.

**WHAT IS A FEDERAL "UNDERTAKING"?** This term includes a broad range of Federal activities: construction, rehabilitation and repair projects, licenses, permits, loans, loan guarantees, grants, Federal property transfers, and many other types of Federal involvement. Whenever one of these activities affects a historic property, the sponsoring agency is obligated to seek Council comments.

**WHAT IS A HISTORIC PROPERTY?** For purposes of Section 106, any property listed in or eligible for the National Register of Historic Places is considered historic.

The National Register is this country's basic inventory of historic resources and is maintained by the Secretary of the Interior. The list includes buildings, structures, objects, sites, districts, and archeological resources. The listed properties are not just of nationwide importance; most are significant primarily at the State or local level. It is important to note that the protections of Section 106 extend to properties that possess significance but have not yet been listed by the Secretary.

#### About the Council

WHAT IS THE ADVISORY COUNCIL ON HISTORIC PRESERVATION? The nineteen member Council is composed of a Chairman, Vice Chairman, six other private citizen members, a governor and a mayor -- all appointed by the President of the United States. The Council also includes the Secretaries of the Interior and Agriculture, the heads of four Federal agencies designated by the President (currently Treasury, HUD, Transportation, and the Office of Administration), the Architect of the Capitol, the Chairman of the National Trust for Historic Preservation, and the President of the National Conference of State Historic Preservation Officers. The Council members meet four or more times during the year. Day-to-day business of the Council involving Section 106 review is conducted by the Executive Director and a professional staff of historians, architects, archeologists, community planners, lawyers, and administrative personnel.

#### Section 106 participants

WHO INITIATES SECTION 106 REVIEW? The Federal agency involved in the proposed project or activity is responsible for initiating and completing the Section 106 review process. The agency works with the Council and the State Historic Preservation Officer to do so. In this fact sheet, the term "agency" is used to mean the responsible unit of government, be it Federal or local.

#### Section 106 process in a nutshell

HOW DOES SECTION 106 REVIEW WORK? Federal regulations spell out the specific process by which an agency affords the Council opportunity to comment on the agency's activity. The Council's regulations, "Protection of Historic and Cultural Properties," appear in the U.S. Code of Federal Regulations, 36 CFR Part 800. A simplified look at the process follows:

#### FIVE STEPS OF SECTION 106 REVIEW

Step 1: IDENTIFY AND EVALUATE HISTORIC PROPERTIES. First, the agency must determine whether there are any National Register-listed or -eligible properties that could be affected by the proposed activity. Working closely with the State Historic Preservation Officer (SHPO), the agency usually conducts historic, architectural, and archeological studies of the area to be affected, which provide the data for applying the National Register criteria.



Step 2: DETERMINE EFFECT. Once historic properties have been identified and found to meet National Register criteria, the Federal agency determines whether its proposed activity will affect them in any way. Again, the agency works with the SHPO making judgments based on criteria found in the Council's regulations. There are three possible findings:

- o No effect: If there is no effect of any kind on the historic properties, the agency keeps a record of its no effect determination and proceeds with the project.
- o No adverse effect: If there could be an effect, but the effect would not be harmful, the agency submits to the Council a "determination of no adverse effect." If the Council concurs, the agency proceeds with its project or activity.
- o Adverse effect: If there could be a harmful effect to a historic property, the agency seeks the Council's comments, the first step in initiating the consultation process.

Step 3: CONSULTATION. During this step, an effort is made to find ways to reduce the harm ("avoid or mitigate the adverse effect") to the historic properties. The consulting parties are the Council, the State Historic Preservation Officer, the agency, and -- if invited to participate -- other interested parties such as a grant recipient or a local government.

First, the agency provides to the Council a PRELIMINARY CASE REPORT, which describes the planned project or activity, the historic properties that might be affected, and the nature of those effects. Whenever necessary, the consultation may also include an ONSITE INSPECTION of the project area and a PUBLIC INFORMATION MEETING in the local community. The consulting parties then seek ways to eliminate or minimize the project's adverse effects.

Step 4: AGREEMENT. In about 98 percent of the cases coming to the Council, the consulting parties reach agreement on how to treat harmful effects and sign a Memorandum of Agreement (MOA), which, after ratification by the Chairman, constitutes the Council's comments. The Federal agency then proceeds with the project according to the terms of the MOA, which is binding on all parties.

In a very few cases, however, the consulting parties cannot agree on a solution. Then the Chairman presents the case to the full Council membership (or to a five-member panel of the Council), which then considers the facts and issues formal comments to the Federal agency. The agency must consider these comments in reaching its final decision on the project and report its decision to the Council.

Step 5: PROCEED. In all cases, the Federal agency makes the final decision about how (or whether) to proceed with the project or activity. The agency, in the end, is responsible for "taking into account" the effects of its project on historic properties.

When an MOA is completed, constituting the Council's comments, or when an agency receives and takes into account formal comments from the Council membership, the agency has fulfilled its Section 106 review requirements.



HOW LONG DOES SECTION 106 REVIEW TAKE? About 75 percent of all cases are completed within 30 days of the agency's submission of a complete preliminary case report to the Council; 90 percent of all cases are completed within 60 days.

For more information

WHERE DOES ONE GET MORE INFORMATION? This brief look at Section 106 review obviously cannot tell the whole story.

For complete information about the Council's review process, consult the Council's regulations (at 36 CFR Part 800) and "Section 106 Updates," which the Council issues to keep agencies abreast of regulatory developments. See also "Working with Section 106: Guidelines for the Review Process Established by 36 CFR Part 800."

For easy-to-understand training on the Section 106 process, the Council offers a popular two-day course, "Introduction to Federal Projects and Historic Preservation Law," which is offered in many locations around the country each year. The course is designed for the Section 106 novice and tells, step-by-step, what actions are required by Federal, State, and local officials to meet the requirements of the law.

For more information, write: Advisory Council on Historic Preservation, The Old Post Office Building, 1100 Pennsylvania Avenue, N.W., Suite 809, Washington, DC 20004. Telephone: 202/786-0503 (executive offices and training office); 202/786-0505 (Section 106 review office).

Revised October 1984

MISSISSIPPI LANDMARK PROGRAM  
IN-HOUSE PROCEDURES

The Mississippi Department of Archives and History is responsible for implementation of the State Antiquities Act (39-7-1 et seq. of the Mississippi Code of 1972, as amended). Review of projects affecting Mississippi Landmarks is handled by the Permit Committee of the Department's Board of Trustees. The Committee is composed of:

Director of the Department, chairman of the Committee  
Director of the Division of Historic Preservation  
Interagency Coordinator, secretary of the Committee  
Review and Compliance Assistant  
Chief Architectural Historian  
Historical Architect  
Chief Archaeologist

The Antiquities Act states that it is "the public policy and in the public interest of the State of Mississippi to locate, protect, and preserve all sites, objects, buildings, shipwrecks and locations of historical, archaeological, or architectural significance . . . within the jurisdiction of the State of Mississippi." With the 1983 amendments, the Act provides a formal process of designating these properties under state, county, municipal (or political subdivisions thereof) jurisdiction as Mississippi Landmarks by notification to the governing entity and by the recordation of the Certificate of Mississippi Landmark Designation (M4A & M4B) in the county deed records.

Public entities are required "in the early stages of planning and always prior to the letting of bids for public construction, public improvement of any nature, or the transfer of public property to private ownership" to notify the Permit Committee of the Board of Trustees of the State Archives and History Department (on the Notice of Intent for Public Construction form--M3) of the anticipated plans so that the Committee can determine if potential Mississippi Landmarks will be affected. Once properties under their jurisdictions have been designated Mississippi Landmarks, the entity should request a permit for any proposed projects that will involve proposed alterations or demolition of the property.

The Act also provides for the designation of Mississippi Landmarks on private property with the written request of the landowner or landowners. Requests for designation should be submitted on a notarized Private Property Resolution for Mississippi Landmark Designation form (M6) with an attached legal description of the property.

The Permit Committee reviews, at its regularly scheduled meetings, projects affecting potential Landmarks, and requests for permits to alter or demolish designated Landmarks. The Committee votes to consider properties for Mississippi Landmark designation and for their subsequent designation (at the end of



the thirty day comment period allowed to the public entity), provided there are no comments which cause the Committee to re-evaluate its consideration. The Committee also votes to issue the appropriate permit (or denial of same), with any conditions attached. The Committee has the authority under the Act to designate properties on public property without the consent of the governing entity.

#### DESIGNATION PROCESS

The Review and Compliance Assistant researches the historical, architectural, or archaeological significance of the potential Mississippi Landmark using the same general criteria as eligibility for inclusion in the National Register of Historic Places.

The Division of Historic Preservation's Statewide Survey of Historic Sites and National Register of Historic Places files are consulted to establish if the property is eligible for designation as a Mississippi Landmark. Other sources are also used, such as the Subject File and WPA records in the Mississippi Department of Archives and History Library. An on-site inspection is sometimes required if no other sources are available.

A statement of significance for the property along with photographs are prepared and presented at the Permit Committee meeting for the members to examine when the property is brought for consideration for designation as a Mississippi Landmark.

After passage of the motion for the aforementioned consideration, the Review and Compliance Assistant drafts a Property Considered for Mississippi Landmark Designation (M1) letter and sends it to the appropriate public entity informing them that the property has been considered for designation. The letter includes a statement of significance paragraph. It further notifies the entity that there is a thirty day comment period within which written comments will be considered by the Permit Committee.

After the thirty day comment period has passed, and no opposing comments have been received, the property is again brought before the Permit Committee by the Review and Compliance Assistant for formal designation as a Mississippi Landmark. In the event that opposing comments are received, the Committee will assess the validity of the comments and will either concur that the property is not eligible for designation or proceed with the formal designation. In either case, the entity will be notified of the Committee's decision.

A Property Designated Mississippi Landmark (M2) letter, with an enclosed Notice of Intent for Public Construction (M3) form, is then sent to the appropriate entity. The letter explains that this form should be completed and returned in the early planning stages for projects involving structural changes to the property or if the property is to be sold to the private sector so that the appropriate permits can be issued. The letter further explains that the Certification of Mississippi Landmark Designation (M4A & M4B) will be sent to that county's Chancery



Clerk for recordation as a part of the final action by the Permit Committee.

The Certification of Mississippi Landmark Designation (M4B) form contains the property's name and a legal description of the property. It also has the date of the Permit Committee meeting when the property was formally designated. The form is signed by the Chairman of the Permit Committee and notarized before being sent to the Chancery Clerk for recordation.

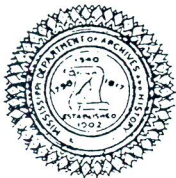
#### PERMIT PROCESS

The Interagency Coordinator compiles a list of agenda items to be discussed at the next Permit Committee meeting. This list includes the aforementioned designations as well as proposed projects that will require a permit. The Interagency Coordinator, following the action taken at the Permit Committee meeting, will draft the Mississippi Landmark Permits (M5A & M5B) to be sent to the appropriate entity. The executed permits will include the following items:

- 1) name of the Mississippi Landmark
- 2) date of Permit Committee action
- 3) activity permitted
- 4) reference to prior correspondence, plans, specifications, etc., on which the permit is based
- 5) any conditions attached to permit
- 6) signatories, including the Director of the Department, who is Secretary to the Department's Board of Trustees, as permittor, and the legal administrator or owner of the property, as permittee

If the entity does not concur with the formal designation or is denied a permit, it may appeal the decision of the Permit Committee to the Board of Trustees of the Department for final action.





STATE OF MISSISSIPPI  
DEPARTMENT OF ARCHIVES AND HISTORY

P. O. BOX 571  
JACKSON, MISSISSIPPI 39205-0571

BOARD OF TRUSTEES

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SHERWOOD W. WISE  
ELBERT R. HILLIARD  
DIRECTOR

M1

PROPERTY CONSIDERED FOR "MISSISSIPPI LANDMARK" DESIGNATION

We are pleased to inform you that the above property was considered by the Permit Committee of the Board of Trustees of the Mississippi Department of Archives and History, at its meeting on \_\_\_\_\_, for designation as a "Mississippi Landmark" in compliance with the provisions of the Antiquities Law of Mississippi, Section 39-7-1 et seq. of the Mississippi Code of 1972, as amended.

BUILDING'S SIGNIFICANCE

As a courtesy to you we are sending notification of our intention so that you may submit written comments within thirty days of this letter. At the end of this comment period, the Permit Committee will consider any comments received and notify you of its decision. If you have any further questions, please contact me at the above address or at 354-7326.

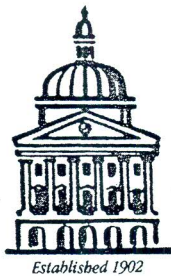
Sincerely,

MARCUS C. HAMMACK  
Review and Compliance Assistant

MCH/sp







# Mississippi Department of Archives and History

Post Office Box 571 • Jackson, Mississippi 39205-0571 • Telephone 601-359-1424  
*Elbert R. Hilliard, Director*

M2  
PROPERTY DESIGNATED "MISSISSIPPI LANDMARK"

RE: (Property Name)

We are pleased to inform you that the above property was designated a "Mississippi Landmark" by the Permit Committee of the Board of Trustees of the Mississippi Department of Archives and History at its meeting on (DATE), in compliance with the provisions of the Antiquities Act of Mississippi, Section 39-1-7 et seq. of the Mississippi Code of 1972, as amended.

As a part of the final action by the Permit Committee on this designation, the "Certification of Mississippi Landmark Designation" form will be sent to the chancery clerk for recordation in your county's deed records.

I have enclosed a "Notice of Intent for Public Construction" form that should be submitted with the plans for any proposed renovation/ alteration of (PROPERTY NAME) to the transfer of said property to private ownership. This should be completed and returned to the Permit Committee during the early planning stages of the proposed work or transfer so that an appropriate permit can be issued.

Thank you for your cooperation and we look forward to working with you to expedite any requests that fall within the purview of the Antiquities Act. If we can be of assistance, please do not hesitate to contact me at 354-7326.

Sincerely,

Marcus C. Hammack  
Review and Compliance Assistant  
Historic Preservation Division

MCH/bb

Enclosure





FOR USE BY: The Permit Committee of the Board of Trustees of MDAH

Rec'd \_\_\_\_\_

Reviewed by \_\_\_\_\_

PC Action \_\_\_\_\_

M3



NOTICE OF INTENT FOR PUBLIC CONSTRUCTION, PUBLIC IMPROVEMENT OR TRANSFER OF  
PUBLIC PROPERTY TO PRIVATE OWNERSHIP

Forwarding of this completed form to the MS Dept. of Archives and History constitutes a request for review under the State Antiquities Act (Section 39-7-3 through 39-7-41 of the Mississippi Code of 1972).

I. Applicant \_\_\_\_\_ County of project \_\_\_\_\_

Applicant's address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Contact person \_\_\_\_\_ Telephone \_\_\_\_\_

Contact person's address, if different from applicant's  
Street/P. O. Box \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Signature of applicant or contact person requesting this assessment \_\_\_\_\_

Date \_\_\_\_\_

II 1. Briefly describe this project. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If program involves more than one project/activity, complete separate form for each one.

2. Has the identical project been previously submitted for review? YES\_\_\_ NO\_\_\_  
(If YES, enclose copy of previous correspondence)

3. Project Location

a. Attach a county, city, or USGS quadmap indicating the precise location of the project and the acreage involved. If program involves more than one project/activity, one map indicating all projects is sufficient.

b. Approximately how many acres are in the project area? acres \_\_\_\_\_

c. If the project is outside city limits, give a quarter-by-quarter section, township, and range description (not necessary if the project map contains the information).  
\_\_\_\_\_

4. To your knowledge, has a cultural resources survey been conducted in the project area? YES\_\_\_ NO\_\_\_  
(If YES, attach survey report.)

5. a. Will the project involve an addition to, or destruction, alteration, or renovation of any structure? If NO, proceed to item 6. YES\_\_\_ NO\_\_\_

b. Was affected structure built before World War II? If NO, proceed to item 6. yes\_\_\_ no\_\_\_

c. Who owns the structure? \_\_\_\_\_

d. What was the approximate date of construction? \_\_\_\_\_

e. Attach snapshots of front and rear elevations; another snapshot should indicate the location of any proposed addition/alteration.

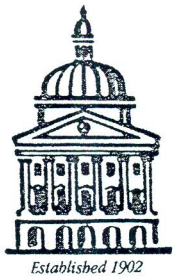
f. Have plans and specifications for the renovation, alteration, or addition been completed? yes\_\_\_ no\_\_\_

g. Attach plans. (Plans for a new structure to replace a demolished one should not be attached.)

6. a. Will construction take place adjacent to any structure which is approximately fifty years old or older? If NO, proceed to item 7. YES\_\_\_ NO\_\_\_  
 b. Give address of structure(s), and, if known, owner's name and telephone. \_\_\_\_\_  
 c. Give approximate construction date of structure(s) \_\_\_\_\_  
 d. Attach snapshots of structure(s) and on project map indicate its location in relation to the project.
7. Has the ground at the project location been previously developed, graded, or disturbed (other than in connection with any structure described in item 5)? YES\_\_\_ NO\_\_\_  
 If YES, describe disturbed/developed portion (graded, farmed, etc.) and indicate on project map. \_\_\_\_\_
8. a. Will this project necessitate the acquisition of fill material? If NO, proceed to item 9. YES\_\_\_ NO\_\_\_  
 b. Approximately how many cubic yards of material will be acquired? cu. yd. \_\_\_\_\_  
 c. Has the site from which material will be acquired been selected? If NO, proceed to item 9. yes\_\_\_ no\_\_\_  
 d. Indicate borrow area(s) on project map and GIVE APPROXIMATE ACREAGE of each borrow site. Acres \_\_\_\_\_  
 e. Has material been taken from the borrow area(s) for other projects? yes\_\_\_ no\_\_\_
9. a. Does this project involve road/street construction? If NO, proceed to item 10. YES\_\_\_ NO\_\_\_  
 b. Give special attention to item 6 AND indicate on project map each:  
 1. New right-of-way  
 2. New street/road construction  
 3. Street/road to be overlaid  
 4. Street/road to be widened
10. Will this project affect any property which is of apparent educational or scientific interest? YES\_\_\_ NO\_\_\_  
 If YES, describe the interest (geological, biological, etc.). \_\_\_\_\_
11. Describe the present use and condition of the property.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
12. If necessary, elaborate on the above questions, and/or include any additional information which you think would be helpful in the review of this project.

**Mail completed form to**

Roger G. Walker  
 : Interagency Coordinator  
 Mississippi Department of Archives and History  
 P. O. Box 571  
 Jackson, MS 39205  
 Telephone (601) 354-7326



# Mississippi Department of Archives and History

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Post Office Box 571 • Jackson, Mississippi 39205-0571 • Telephone 601-359-1424  
*Elbert R. Hilliard, Director*

M4A  
Cover Letter -  
Certification of Mississippi Landmark Designation

Enclosed please find a Certification of Mississippi Landmark Designation for the above property.

Please record in the County Deed Records and return this document for our records. If clarification is needed, please contact this office at 354-7326.

Sincerely,

ELBERT R. HILLIARD  
State Historic Preservation Officer

By: Roger G. Walker  
Interagency Coordinator

RGW/rm

Enclosures





M4B

CERTIFICATION OF MISSISSIPPI LANDMARK DESIGNATION

Property Description:

I hereby certify that the above property has been designated a "Mississippi Landmark" by the Permit Committee of the Board of Trustees of the Mississippi Department of Archives and History at its meeting of DATE, in accordance with the provisions of 39-7-1 et seq. of the Mississippi Code of 1972, as amended,

\_\_\_\_\_  
ELBERT R. HILLIARD, Secretary  
Board of Trustees  
Department of Archives & History

STATE OF MISSISSIPPI County of \_\_\_\_\_

Personally appeared before me, the undersigned authority, the within named \_\_\_\_\_ who acknowledged that he signed and delivered the foregoing instrument on the day and year therein mentioned as his act and deed.

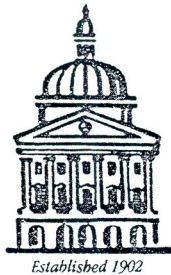
Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_  
A.D., 19\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:







# Mississippi Department of Archives and History

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Post Office Box 571 • Jackson, Mississippi 39205-0571 • Telephone 601-359-1424

*Elbert R. Hilliard, Director*

M5A

Cover Letter - Mississippi Landmark Permit

We are enclosing the Mississippi Landmark permit which was issued by the Permit Committee of the Board of Trustees of the Department of Archives and History. Please sign both copies and return the original to our office.

Thank you for submitting this project to us. We will make every effort to expedite the review of any other projects which may fall within the purview of Mississippi's Antiquities Law. If we can be of assistance, please do not hesitate to contact this office at 354-7326.

Sincerely,

Roger G. Walker  
Interagency Coordinator

RGW/rm

Enclosures



M5B  
MISSISSIPPI LANDMARK PERMIT

In compliance with the provisions of the Antiquities Law of Mississippi, Section 39-7-1, et seq., of the Mississippi Code of 1972, the Permit Committee of the Board of Trustees of the Mississippi Department of Archives and History, permittor, in its meeting on DATE, authorized the issuance of a Mississippi Landmark Permit to Permittee for the purpose of Project Description a "Mississippi Landmark" as defined by Section 39-7-11 of the Mississippi Code, as amended.

Permittee hereby agrees that

Permittee further agrees that

In the event of changes in or additions to the above project, permittee agrees to submit supplementary plans to the permittor for review and approval.

AUTHORIZED this the \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
ELBERT R. HILLIARD, Secretary  
Board of Trustees  
Department of Archives and History

PERMITTOR

\_\_\_\_\_  
PERMITTEE





PRIVATE PROPERTY RESOLUTION FOR MISSISSIPPI LANDMARK DESIGNATION

RESOLUTION

M6

WHEREAS, title to the \_\_\_\_\_ property is now solely vested in us; and

WHEREAS, the provision of the Antiquities Law of Mississippi, Section 39-7-13 of the Mississippi Code of 1972, as amended, provides for private property owners to request that a significant property be designated as a Mississippi Landmark; and

WHEREAS, the property (the \_\_\_\_\_ or "Property") hereinafter described, which is particularly described in Exhibit A attached hereto, is considered eligible for inclusion in and/or has been entered in the National Register of Historic Places maintained by the United States Department of the Interior; and

WHEREAS, the property has substantial and important historic, aesthetic, architectural, scenic, and cultural character and this designation will promote the preservation and maintenance of the property and such character; and

WHEREAS, we desire to preserve and maintain the historical, aesthetic, and cultural character of the property for the benefit of future generations; and

WHEREAS, it is our desire to obtain the benefits and protection that can be afforded this property upon its designation as an official Mississippi Landmark; it is hereby

RESOLVED that this request for such designation be brought before the next regularly-scheduled meeting of the Permit Committee of the Board of Trustees of the Mississippi Department of Archives and History.

WITNESS OUR SIGNATURES on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_

\_\_\_\_\_

OWNERS, \_\_\_\_\_

STATE OF MISSISSIPPI

COUNTY OF \_\_\_\_\_

Personally appeared before me, the undersigned authorities in and for said County and State, \_\_\_\_\_ and \_\_\_\_\_, who acknowledged that they signed and delivered the above and foregoing instrument on the day and year therein mentioned.

Given my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY PUBLIC





OUTLINE  
MISS. LANDMARK PROGRAM REVIEW

A. DESIGNATION PROCESS

Review and Compliance Assistant shall:

- 1) consult appropriate sources for potential "Miss. Landmarks"
- 2) prepare a statement of significance on each property
- 3) present properties for "Miss. Landmark" designation consideration at Permit Committee meeting
- 4) move for consideration of the properties at the meeting
- 5) send out a Property Considered for Miss. Landmark Designation letter
- 6) allow a thirty day comment period before presentation at subsequent Permit Committee meeting
- 7) depending on comments received, at a subsequent meeting
  - a) withdraw consideration if evidence shows the property is not eligible for designation
  - OR
  - b) move for designation of the property as a "Miss. Landmark"
- 8) issue a Property Designated Miss. Landmark letter to the governing entity
- 9) send a Certification of Miss. Landmark Designation form to the appropriate Chancery Clerk for recordation

B. PERMIT PROCESS

Interagency Coordinator shall:

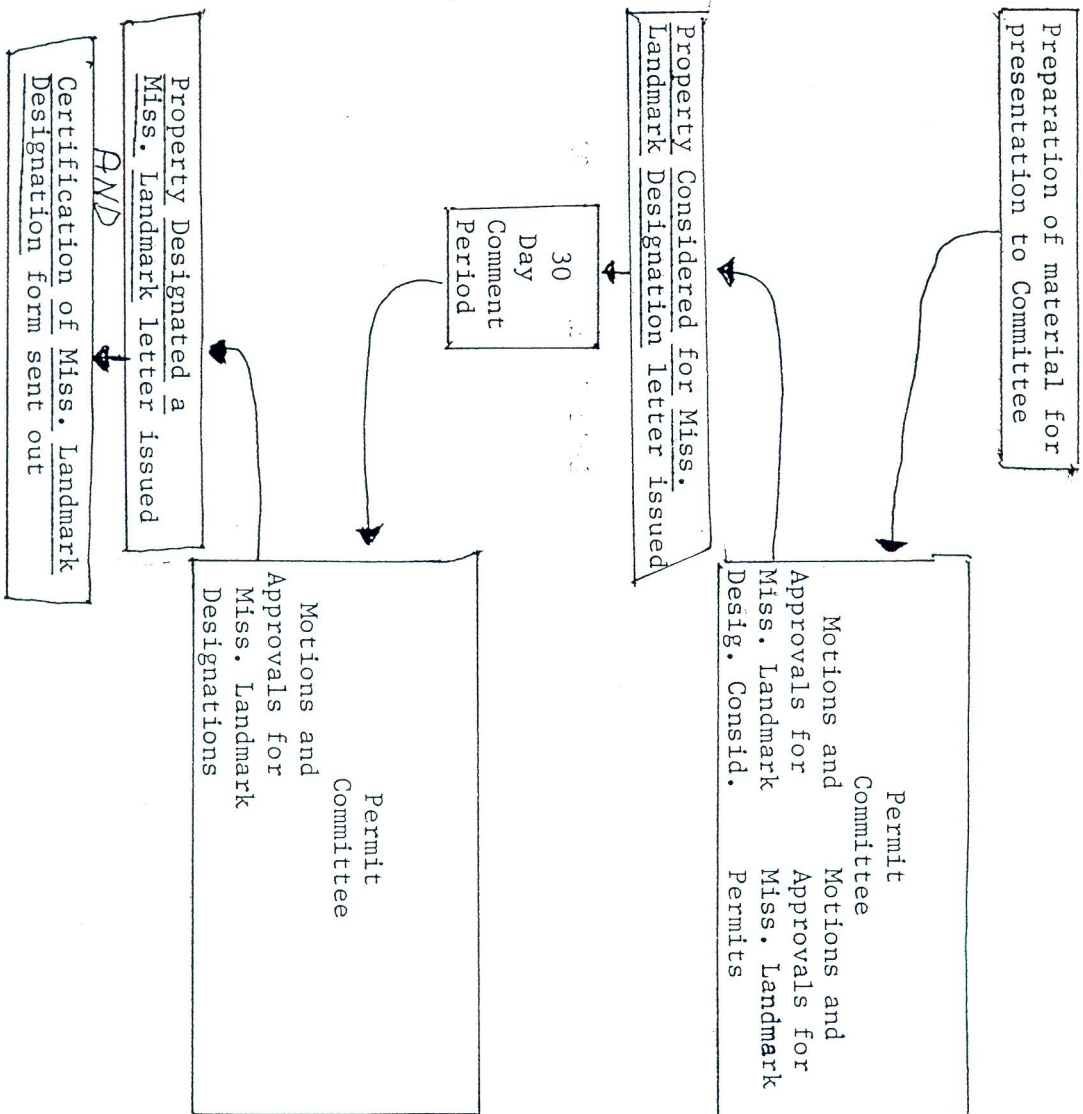
- 1) compile a list of proposed or current projects impacting designated or potential "Miss. Landmarks", as well as items of interest to members of the Permit Committee
- 2) present the aforementioned items at the Committee meeting
- 3) upon approval of the appropriate permit, issue a Miss. Landmark Permit to the governing entity



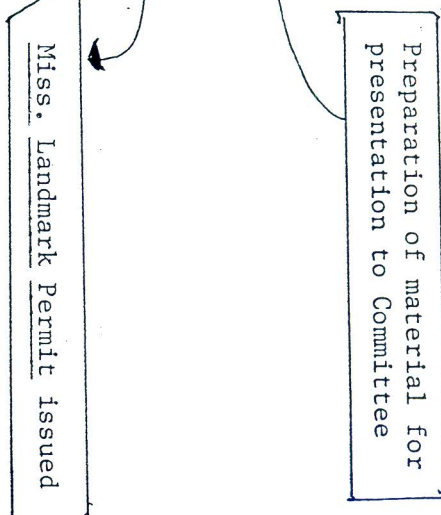
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## MISS. LANDMARK PROGRAM REVIEW

### A. DESIGNATION PROCESS



### B. PERMIT PROCESS







## POLICY ON GRANTING BURIAL EXCAVATION PERMITS\*

Under the provisions of the State Antiquities Act, the Board of Trustees of the Department of Archives and History is given the responsibility of considering and permitting, if deemed appropriate, the excavation of prehistoric or historic Indian burials. The specific wording found in the last sentence of 39-7-31 is as follows:

"No person without a permit from the board and without written permission of the landowner, shall intentionally injure, disfigure, remove, excavate, damage, take, dig into, or destroy any prehistoric or historic American Indian or aboriginal burial."

As stated in 39-7-3 (Declaration of Public Policy), it is the policy of the State of Mississippi and in the interest of the State to protect and preserve archaeological sites of every character.

Burials in the context of the Antiquities Act are archaeological sites. They are, however, very special kinds of archaeological sites which are given legal protection by other laws. For this reason, they are the only type of site on which the Department of Archives and History has legal authority on private property, except for a few "Mississippi Landmarks" for which this authority is voluntarily given by the landowner.

In order to prevent confusion and to establish clear directives, the following guidelines are being instituted effective November 1, 1985:

1. No permit will be issued unless the excavation is performed by or supervised by a professional archaeologist. It is recommended that a physical anthropologist be present during the excavation to insure the recovery of a maximum amount of pertinent information.

2. A report detailing the findings of the excavation including photographs and sketches must be submitted to the Department of Archives and History within one year of completion of the excavation.

3. If the burial(s) in question are reasonably expected to be of a known, existing tribe, the comments of that tribe shall be sought and submitted in written form to the Department of Archives and History when application is made for a permit.

4. The remains are to be curated in a professionally acceptable institution or reburied after scientific analysis.

5. Permits to excavate burials will not be issued in most circumstances unless there is a threat to the integrity of the burial(s) through vandalism, natural forces, such as erosion or inundation, or development which is clearly in the public interest.

6. For purposes of these guidelines a burial is understood to include the items which were interred with the body.

7. In the event of the unintended discovery of burials during the course of an excavation, the remains which are encountered are to be recorded in such a manner as to minimize the loss of scientific data. A permit is to be sought then if the excavator wishes to continue with the burial excavation.

\*Adopted by the Permit Committee of the Board of Trustees of the Department of Archives and History at its regularly scheduled meeting on October 11, 1985.



\* DEPARTMENT OF ARCHIVES AND HISTORY

POLICY ON ACCESS TO ARCHAEOLOGICAL SITE RECORDS

Because of the Department's responsibility to protect and preserve archaeological resources, it is necessary to restrict access to locational information regarding most archaeological sites.

Unfortunately, earlier reports which were made available to the general public often gave detailed instructions and/or maps on how to find specific sites. Because of an increase in vandalism, grave robbing and trespassing, it has been the policy of the Department in recent years to omit site locations from archaeological reports and to maintain a "need-to-know" policy on access to site locations. The policy has legal backing in an exclusion from the state's Open Records Law.

Only those who have a legitimate need should be given access to or be supplied with information on site locations unless such locations, as in the case of state parks, etc., are already a matter of public record.

The individuals who qualify for access are professional archaeologists with a research interest, developers who must know of the existence of a site in order to avoid it, state, county or municipal officials who must know of locations for management reasons, or landowners who have expressed an interest in the preservation of sites which they own.

\* Adopted by the Board of Trustees of the Department of Archives and History at its regularly quarterly meeting held on January 17, 1986.



## ANTIQUITIES

§ 39-7-3

### JUDICIAL DECISIONS

§§ 39-5-61 through 39-5-65, sealing for 50 years the records of the Mississippi Sovereignty Commission did not create an evidentiary privilege compelling respect by a federal court trying a 42 USCS § 1983 action alleging in part that officials of the commission violated plaintiffs' First Amendment and other constitutional rights by harassment and by surveillance of their lawful activities. *American Civil Liberties Union, Inc. v Finch* (1981, CA5 Miss) 638 F2d 1330.

#### § 39-5-63. Penalty for wilful tampering with files.

Any person who shall willfully break any seal containing the impounded files of the state sovereignty commission, or willfully examine, divulge, disseminate, alter, remove or destroy said files prior to July 1, 2027, shall, upon conviction, be fined not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) or imprisoned for not more than three (3) years, or punished by both such fine and imprisonment.

SOURCES: Laws, 1977, ch. 320, § 4, eff from and after passage (approved March 4, 1977).

#### § 39-5-65. Display of penalties for tampering with files.

The department of archives and history shall conspicuously display the penalties prescribed by section 39-5-63 in one or more places on each container or cabinet in which the files of the state sovereignty commission are impounded.

SOURCES: Laws, 1977, ch. 320, § 5, eff from and after passage (approved March 4, 1977).

## CHAPTER 7

### Antiquities

#### *New Sections Added*

#### SEC.

##### 39-7-1. Definitions

39-7-1. Certain archaeological records exempt from requirement of public access.

#### § 39-7-3. Declaration of public policy.

It is hereby declared to be the public policy and in the public interest of the State of Mississippi to locate, protect, and preserve all sites, objects, buildings, shipwrecks, and locations of historical, archaeological, or architectural significance, including, but not limited to historically or architecturally significant buildings, structures relating to significant engineering accomplishments, prehistoric and historical American Indian or aboriginal campsites.

[10 Min Supp]



§ 39-7-3

LIBRARIES, ARTS, ARCHIVES, ETC.

dwellings, and habitation sites, archaeological sites of every character, treasure imbedded in the earth, sunken or abandoned ships and wrecks of the sea or any part or the contents thereof, maps, records, documents, books, artifacts, and implements of culture in any way related to the inhabitants, prehistory, history, natural history, government, or culture in, on or under any of the lands, tidelands, submerged lands, and bed of the sea within the jurisdiction of the State of Mississippi.

SOURCES: Laws, 1983, ch. 458, § 1, eff from and after July 1, 1983.

Cross references—

As to required preparation and implementation of plan by marine resources council that would further public policy expressed by this section, see § 57-15-6.

§ 39-7-4. Definitions.

For the purpose of this chapter, the following definitions shall apply:

(a) "Historical significance" means that quality or qualities associated with events that have made a significant contribution to the broad patterns of state, local or national history, or that quality or qualities associated with the lives of persons significant in local, state or national history.

(b) "Architectural significance" means the qualities which embody the distinctive characteristics of type, period or method of construction, or that represent the work of a master, or that posses high artistic value.

(c) "Archeological significance" means possessing the quality or qualities which have yielded, or may be likely to yield, information important in Mississippi prehistory or history.

(d) "Department" means the Mississippi Department of Archives and History.

(e) "Board" means the board of trustees of the Mississippi Department of Archives and History.

(f) "Agency" means any administrative division of the State of Mississippi, its counties, cities or political subdivisions thereof.

(g) "Restoration" means the returning of an object, building, structure or site to a prior condition or to an original historic appearance.

SOURCES: Laws, 1983, ch 458, § 2, eff from and after July 1, 1983.

§ 39-7-5. Archives and history trustees to administer chapter; record of proceedings to be subject to examination.

[10 Miss Supp]

**Cross references—**

As to surface mining and reclamation of land, see §§ 53-7-1 et seq.

**§ 39-7-7. Duties of board.**

The duties of the board shall be to determine the site of and to designate Mississippi landmarks; to remove from such designation certain of such sites as hereinafter provided; to contract or otherwise provide for the discovery and salvage operations herein covered; to consider the requests for and issue the permits hereinafter provided for; and to protect and preserve the archaeological, historical and architectural resources of the State of Mississippi. The board shall be the legal custodian of all items hereinafter described which have been recovered and retained by the State of Mississippi, and shall maintain an inventory of such items showing the description and depository thereof.

SOURCES: Laws, 1983, ch. 458, § 3, eff from and after July 1, 1983.

**§ 39-7-9. Shipwrecks and buried treasure designated Mississippi landmarks to be sole property of state.**

All sunken or abandoned ships and wrecks of the sea, and any part or the contents thereof, and all treasure imbedded in the earth, located in, on or under the surface of lands belonging to the State of Mississippi, including its tidelands, submerged lands and the beds of its rivers and the sea within the jurisdiction of the State of Mississippi are hereby declared to be Mississippi landmarks and are the sole property of the State of Mississippi and may not be taken, altered, damaged, destroyed, salvaged or excavated without a contract or permit of the board.

SOURCES: Laws, 1983, ch. 458, § 4, eff from and after July 1, 1983.

**§ 39-7-11. Mississippi landmarks; designation of landmarks; recording; removals from or alteration of private lands within areas.**

(1) All other sites, objects, buildings, artifacts, implements, and locations of archaeological significance, including, but expressly not limited to, those pertaining to prehistoric and historical American Indian or aboriginal campsites, dwellings, and habitation sites, their artifacts and implements of culture, as well as archaeological sites of every character that are located in, on or under the surface of any lands belonging to the State of Mississippi or to any county, city, or political subdivision of the state, are hereby declared to be Mississippi landmarks and are the sole property of the State of Mississippi. Such sites may not be taken, altered, destroyed,

[10 Miss Supp.]



§ 39-7-11

LIBRARIES, ARTS, ARCHIVES, ETC.

salvaged or excavated without a permit from the board or in violation of the terms of such permit.

(2) All other sites, objects, buildings, artifacts, implements, structures and locations of historical or architectural significance located in or under the surface of any lands belonging to the State of Mississippi or to any county, city or political subdivision of the state may be declared to be Mississippi landmarks by majority vote of the board. Every Mississippi landmark shall be so designated based upon its significance within the historical or architectural patterns of a community, a county, the State of Mississippi, or the United States of America. Upon such action by the board, the designation of the Mississippi landmark shall be recorded in the deed records of the county in which the landmark is located. All such designated sites or items located on public lands within the State of Mississippi may not be taken, altered, damaged, destroyed, salvaged, restored, renovated or excavated without a permit from the board or in violation of the terms of such permit.

(3) All such sites or items located on private lands within the State of Mississippi that have been designated as Mississippi landmarks as hereinafter provided, may not be taken, altered, damaged, destroyed, salvaged, restored, renovated or excavated without a permit from the board or in violation of the terms of such permit. Such designation shall be reduced to recordable form sufficiently describing the site so that it may be located and shall be recorded in the deed records of the county in which the landmark is located.

SOURCES: Laws, 1983, ch. 458, § 5, eff from and after July 1, 1983.

§ 39-7-13. Sites located upon private lands; requisites for designation.

Any site located upon private lands which is determined by majority vote of the board to be of sufficient archaeological, historical or architectural significance may be designated by the board as a Mississippi landmark. It is specifically provided, however, that no such site shall be so designated upon private land without the written consent of the landowner or landowners in recordable form sufficiently describing the site so that it may be located. Upon such designation the consent of the landowner shall be recorded in the deed records of the county in which the land is located. Any such site upon private land shall be marked by at least one (1) marker, approved by the board, bearing the words "Mississippi Landmark" for each five (5) acres of area.

SOURCES: Laws, 1983, ch. 458, § 6, eff from and after July 1, 1983.

[10 Miss Supp.]



**§ 39-7-15. Removal from designation.**

Upon majority vote of the board any Mississippi landmark on public or private land may be determined to be of no further historical, archaeological, or architectural significance, or not of sufficient significance to warrant its further classification as such, and upon such determination it may be removed from such designation. In the case of sites located on private land that have theretofore been designated by instrument of record, the board is authorized to cause to be executed and recorded in the deed records of the county where such site is located an instrument setting out such determination and releasing the site from the provisions thereof.

SOURCES: Laws, 1983, ch. 458, § 7, eff from and after July 1, 1983.

**§ 39-7-17. Contracts for salvage; surveys; excavation.**

The board shall be authorized to enter into contracts with other state agencies or institutions and with qualified private institutions, corporations, or individuals for the discovery and salvage of treasure imbedded in the earth, sunken or abandoned ships or wrecks of the sea, parts thereof and their contents. Such contracts are to be on forms approved by the attorney general. The contracts may provide for fair compensation to the salvager in terms of a percentage of the reasonable cash value of the objects recovered, or at the discretion of the board, of a fair share of the objects recovered. The amount constituting a fair share shall be determined by the board, taking into consideration the circumstances of each such operation. The reasonable cash value may be determined by contract provision providing for appraisal by qualified experts or by representatives of the contracting parties and their representative or representatives. Such contract shall provide for the termination of any right in the salvager or permittee thereunder upon the violation of any of the terms thereof. Superior title to all objects recovered shall be retained by the State of Mississippi unless and until it is released to the salvager or permittee by the board. No person, firm, or corporation may conduct such salvage or recovery operation herein described without first obtaining such contract. All such contracts shall specify, among other things, the location, nature of the activity, and the time period covered thereby, and when executed are to be recorded by the person, firm, or corporation obtaining such contract, in the office of the chancery clerk in the county or counties where such operations are to be conducted, prior to the commencement of such operation.

The board shall be authorized to conduct surveys to identify

[10 Miss Supp]

§ 39-7-17

LIBRARIES, ARTS, ARCHIVES, ETC.

Mississippi landmarks on or under all lands and waters belonging to the State of Mississippi, or any county, city or political subdivisions of the state and to excavate or study all Mississippi landmarks. The board shall be further authorized to identify and excavate historic, architectural, or archaeological sites on private property, however, it is specifically provided that no such survey may be undertaken on private land without consent of the landowner and that no excavation may be undertaken on private land without the landowner's written consent.

SOURCES: Laws, 1983, ch. 458, § 8, eff from and after July 1, 1983.

§ 39-7-19. Permits for salvage or studies at Mississippi landmarks.

The board shall be authorized to issue permits to other state agencies or institutions and to qualified private institutions, companies, or individuals for the taking, salvaging, excavating, restoring, or the conducting of scientific or educational studies at, in or on Mississippi landmarks as in the opinion of the board would be in the best interest of the State of Mississippi. Such permits may provide for the retaining by the permittee of a portion of any recovery, as set out for contracting parties under section 39-7-17. Such permit shall provide for the termination of any rights in the permittee thereunder upon the violation of any of the terms thereof and shall be drafted in compliance with forms approved by the attorney general. All such permits shall specify, among other things, the location, nature of the activity, and time period covered thereby. No person, firm, or corporation shall conduct any such operations on any Mississippi landmarks without first obtaining and having in his or its possession such permit at the site of such operation, nor shall such operations be conducted in violation of the provisions of such permit.

SOURCES: Laws, 1983, ch. 458, § 9, eff from and after July 1, 1983.

§ 39-7-22.<sup>3</sup> Public construction or improvement affecting potential Mississippi landmarks.

(1) In the early stages of planning and always prior to the letting of bids for public construction, public improvement of any nature, or the transfer of public property to private ownership, state agencies, local governments and all their political subdivisions shall notify the board of the planned action on a form supplied by the board. The board may survey the affected area, property, structure, or building, to determine if potential Mississippi landmarks will be affected, or if significant sites, buildings, or structures on nonpublic lands will be affected.

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(2) If the department determines that significant historic, architectural, or archaeological sites, buildings, structures, locations, or remains will be adversely affected by the public construction or improvement, the proposed public construction or improvement may not be commenced until the department has issued the permit herein required, and has performed all necessary investigations, recording and/or salvage of the site, location or remains. All investigation, recording and salvage work shall be performed as expeditiously as possible so that no public construction project will be unduly impaired, impeded or delayed.

(3) If in the course of performing public construction or improvements, historic, prehistoric or archaeological sites, locations, remains or objects are discovered, the department shall be notified and its concurrence shall be requested in continuing the construction or improvement. Upon receipt of this notice, the department shall survey the area to confirm whether the area contains historic, prehistoric, or archaeological data which should be preserved in the public interest. The survey shall be conducted as expeditiously as possible. If, as a result of the survey, it is determined that (a) this data exists in the area, (b) the data has exceptional historic, prehistoric or archaeological significance and should be collected and preserved in the public interest, and (c) it is feasible to collect and preserve the data, the department shall perform the necessary work to collect and preserve the data. This work shall be performed as expeditiously as possible. When it is not feasible to collect the data, the agency shall make all reasonable attempts to avoid the site before proceeding. If in the board's opinion the site possesses unusual significance, and is unique to such a degree that the landmark is, or is likely to be, the sole representative of a type or period, the board may prohibit further construction which would destroy or irreparably harm the landmark.

SOURCES: Laws, 1983, ch 458, § 10, eff from and after July 1, 1983.

**§ 39-7-29. Defacing of American Indian or aboriginal markings or carvings prohibited.**

**Research and Practice References—**

Historic Preservation of the Zoning Power: A Mississippi Perspective. 50 Miss L J 533, September 1979.

**§ 39-7-31. Entry upon land of another to deface, remove or destroy archeological relics or sites.**

No person, not being the owner thereof, and without the written consent of the owner, proprietor, lessee, or person in charge thereof, shall enter or attempt to enter upon the lands of another

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and intentionally injure, disfigure, remove, excavate, damage, take, dig into, or destroy any historical structure, monument, marker, medallion, or artifact, or any prehistoric or historic archaeological site, American Indian or aboriginal remains located in, on, or under any private lands within the State of Mississippi. No person without a permit from the board, and without written permission of the landowner, shall intentionally injure, disfigure, remove, excavate, damage, take, dig into, or destroy any prehistoric or historic American Indian or aboriginal burial.

SOURCES: Laws, 1983, ch. 458, § 11, eff from and after July 1, 1983.

**§ 39-7-33. Unlawful to injure or destroy any historical structure or artifact.**

**Research and Practice References—**

Historic Preservation of the Zoning Power: A Mississippi Perspective. 50 Miss L J 533, September 1979.

**§ 39-7-35. Penalties for violation; finder's fee for arrest and conviction of violator.**

(1) Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500.00) and not more than five thousand dollars (\$5,000.00), or by confinement in jail for not more than thirty (30) days, or by both such fine and confinement. Each day of continued violation of any provision of this chapter shall constitute a distinct and separate offense for which the offender may be punished.

(2) The board at its discretion may grant a "finder's fee," not to exceed five hundred dollars (\$500.00), for the arrest and conviction of any person in violation of this chapter.

SOURCES: Laws, 1983, ch. 458, § 12, eff from and after July 1, 1983.

**§ 39-7-37. Civil action to enjoin violations or threatened violations; venue.**

In addition to, and without limiting the other powers of the attorney general of the state of Mississippi and without altering or waiving any criminal penalty provision of this chapter, the attorney general shall have the power to bring an action in the name of the State of Mississippi in any court of competent jurisdiction to enjoin violations or threatened violations of this chapter, and for the return of items taken in violations of the provisions hereof, and for the restoration of alterations made in violation of the provisions hereof. The venue of such actions shall lie in the county in which the activity sought to be enjoined is alleged to be

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taking place, or in the county from which the items were taken. Any citizen in the State of Mississippi shall have the power to bring an action in any court of competent jurisdiction to enjoin violations or threatened violations of this chapter, and for the return of items taken in violation of the provisions hereof. The venue of such actions shall lie in the county in which the activity sought to be enjoined is alleged to be taking place, or in the county from which the items were taken.

SOURCES: Laws, 1983, ch. 458, § 13, eff from and after July 1, 1983.

**§ 39-7-39. Other agencies to assist in enforcement.**

The chief administrative officers of all state agencies and of all state and local governments are authorized and directed to cooperate with and assist the board and the attorney general in carrying out the intent of this chapter. All law enforcement agencies and officers, state and local, are authorized and directed to assist in enforcing and in carrying out the intent of this chapter.

SOURCES: Laws, 1983, ch. 458, § 14, eff from and after July 1, 1983.

**§ 39-7-41. Certain archaeological records exempt from requirement of public access.**

Records in the possession of the Mississippi Department of Archives and History or any other public body as defined in paragraph (a) of section 25-61-3 which contain information about the location of any specific archaeological site and which in the opinion of any such agency possessing such records would, upon the disclosure thereof, create a substantial risk of damage or destruction to the historical value of such archaeological site or create a substantial risk of damage or destruction to private property rights, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

SOURCES: Laws, 1983, ch. 424, § 17, eff from and after July 1, 1983.

**Editor's Note—**

"The Mississippi Public Records Act of 1983", referred to in this section, is Laws, 1983, ch. 424, §§ 1-9, which appears as §§ 25-61-1 et seq.

**Cross references—**

As to department of archives and history, generally, see §§ 39-5-1 et seq.

**CHAPTER 9**

**Trusts to Promote Arts and Sciences**

**§ 39-9-1. Trusts for founding public institutions—how created.**

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## STATE OF MISSISSIPPI GUIDELINES FOR CULTURAL RESOURCE SURVEY REPORTS

Cultural resource survey reports for surveys in the state of Mississippi should adhere to the guidelines listed below. Whenever it is impossible to follow any guideline, an explanation should be given in the survey report.

1. The report should contain a map indicating section, township and range (preferably a 7.5 minute quadrangle series) on which the project area and the surveyed area have been plotted. The report or map should also indicate the county of the project and survey.
2. The beginning and termination dates of the survey should be stated.
3. Ground cover conditions should be described. Where the surface cannot be inspected with reasonable thoroughness, sub-surface testing should be done of all ground where archaeological sites could possibly occur. The nature of any sub-surface testing should be discussed with size and spacing interval of tests specified.
4. Where the size of the survey area makes complete visual inspection of the surface impractical, each environmental zone should be sampled.
5. When sites are discovered, they should be precisely located on the map mentioned in guideline #1. The limits of each site should be defined verbally and a sketch map drawn indicating its boundaries and a permanent landmark.
6. The report and map should indicate the location of any structure which may have been built prior to World War II.
7. A state site form for each archaeological site with number assigned by the Mississippi Department of Archives and History must be completed and submitted with the report.
8. Surface collections should be made from each archaeological site with care being taken to collect specimens of all relevant categories. Artifactual remains should be classified into ceramic or lithic types or varieties. The report should include a tabulation of all artifacts and floral or faunal remains collected from each site.
9. Statements should be made concerning the depth and nature of cultural deposits at each archaeological site and the degree and type of disturbance observed.
10. 8x10 glossy prints should be included of each archaeological site considered eligible for the National Register. At least one should show an overall view. All prominent features such as mounds should be individually photographed. One photograph of each pre-World War II standing structure must be included.
11. The investigator should express an opinion as to the nature of each site - village, quarry, hunting camp, etc. - and how this opinion was formed.

12. The investigator should state his opinion as to the cultural and chronological position of each archaeological site. Phase designation should be made, if possible.
13. The landowner of each National Register-eligible site should be listed.
14. The investigator should express an opinion concerning the significance of each site, whether or not it merits preservation or further research, and whether or not it is eligible for the National Register of Historic Places. A statement should be made on how further investigation of the site could lead to a better understanding of the area's past.
15. The investigator should evaluate the effect of the project on each site identified.
16. The investigator should suggest alternatives or steps to mitigate damages for any sites which will be adversely affected.
17. The report should be signed, and the address and telephone number of the surveyor should be included.

## The Application of National Register Criteria To Religious Properties

The National Register criteria state that a religious property shall not be considered eligible for nomination unless it derives "primary significance from architectural or artistic distinction or historical importance." By its wording, the criteria seek to recognize historical significance in those religious structures which contribute to the understanding of our secular past. The routine function of a church, no matter how influential upon its congregation, is not considered to be extraordinary or historic. Even if a church building or congregation is quite old, antiquity alone cannot be justification for eligibility. Even the oldest of structures, religious and otherwise, must have identifiable architectural, artistic, or historical significance to be eligible for the National Register. Thus, a church ministering the spiritual needs of its flock since 1795, and doing so from an undistinguished structure in which nothing out of the ordinary ever occurred, would not meet the criteria for nomination.

The vast majority of eligible religious properties qualify for nomination because of architectural significance. As the source of community and congregational pride, church buildings are often the most architecturally ambitious structures in any given location. In Mississippi the collective fortunes of some congregations have resulted in the finest examples of styles not often seen in residential architecture. The Church of the Holy Trinity, for example, is our state's most important essay in the late Romanesque Revival style. Other less prosperous churches may also be respectable examples of any number of architectural fashions and, if judged to be significant, qualify for nomi-



nation to the Register. Artistic achievement, such as frescoed walls or stained glass windows, may also be sufficiently significant to qualify an otherwise undistinguished church for nomination.

Historical events which may have occurred in a religious building are to be evaluated quite apart from the building itself. Thus, if General Van Dorn had used a church for his headquarters at an important moment in the Civil War, his association with that structure would make it eligible for the National Register. Other historical events might possibly be associated with the history of religion but such instances would be exceedingly rare. When considering a nomination which claims religious significance, care should be taken to distinguish congregational history from the history of American religion. An event which started, changed, or significantly influenced one of the religious sects in America would certainly be considered historic and therefore probably qualify a structure in which the event took place for nomination. Again, a church which has influenced only its congregation would not qualify as a property significant to the history of religion in America.

The following list is provided to illustrate the nature of historical significance which would qualify a religious structure for nomination to the National Register. Each statement is based on a value judgement concerning: architectural significance; artistic significance; or historical significance.

- A) This building is an excellent example of the Gothic Revival style of architecture.
- B) This building is a fine example of the work of James Hardy, a locally significant architect.
- C) This building represents the artistic skill of Constatino Burmindi, whose extraordinary frescoes decorate the interior.
- D) During the 1840s, the influential Lyceum Movement in Mississippi was begun in the auditorium of this church.
- E) While visiting this church on March 15, 1895, the powerful Senator Meanstreak was assassinated by a British anarchist, thus altering the course of Mississippi history.

- F) The locally important convention called to form Amite County from the western half of Wilkinson County met for ten days in this church.
- G) In 1784, Thomas Coke and Francis Asbury met in this chapel to establish the Methodist Church in America, an event significant to the religious history of the United States.

The following list shows the kind of information often seen in a statement of significance for a church but which fails to address the criteria for evaluation. These statements are of fact, not judgement, and do not relate the fact to any architectural, artistic, or historical significance.

- A) This church is the oldest religious building in Benton County.
- B) This church is occupied by the oldest Episcopal congregation in Franklin County.
- C) This church is the only four story religious structure in Bogue Chitto.
- D) Jefferson Davis often worshipped in this church.
- E) The present Bishop of Natchez was confirmed in this church.

The National Register criteria for evaluation of religious properties should be sufficient in dealing with the subject in Mississippi. To impose additional standards could potentially deny an eligible site the recognition it may deserve and thereby damage the credibility of our program. Consistant application of the criteria as mandated by the National Historic Preservation Act will enable Mississippi to be represented in the Register by only those structures and sites which are truly significant to our past.